

CALIFORNIA HIGH-SPEED RAIL AUTHORITY

MONTHLY MEETING

TRANSCRIPT OF PROCEEDINGS

Sacramento City Hall

915 I Street, City Council Chambers

Sacramento, California 95814

Thursday, November 7, 2013

10:07 a.m.

BRITTANY FLORES

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## A P P E A R A N C E S

## BOARD MEMBERS

Mr. Dan Richard, Chairman

Mr. Tom Richards, Vice-Chair

Mr. Richard Frank

Mr. Patrick Henning

Ms. Katherine Perez-Estolano

Mr. Michael Rossi

Ms. Lynn Schenk

Mr. Thomas Umberg

## STAFF

Ms. Janice Neibel, Board Secretary

## ALSO PRESENT

Mr. Jeff Morales, CEO

Mr. Tom Fellenz, legal counsel

--o0o--

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1 SACRAMENTO, CALIFORNIA, November 7, 2013

2 10:07 a.m.

3 --o0o--

4  
5  
6 CHAIRMAN RICHARD: Okay. Good morning,  
7 everyone. This meeting of the California High Speed  
8 Rail Authority will come to order.

9 Will the secretary please call the roll.

10 MS. NEIBEL: Vice-Chair Richards.

11 MR. RICHARDS: Here.

12 MS. NEIBEL: Vice-Chair Hartnett. Hartnett.  
13 Mr. Umberg.

14 MR. UMBERG: Here.

15 MS. NEIBEL: Mr. Rossi.  
16 Ms. Schenk.

17 MS. SCHENK: Here.

18 MS. NEIBEL: Ms. Perez-Estolano.

19 MS. PEREZ-ESTOLANO: Here.

20 MS. NEIBEL: Mr. Henning.

21 MR. HENNING: Here.

22 MS. NEIBEL: Mr. Frank.

23 MR. FRANK: Here.

24 MS. NEIBEL: Chairman Richard.

25 CHAIRMAN RICHARD: I'm here.

1 I'm going to ask Mr. Henning to lead us in the  
2 Pledge of Allegiance.

3  
4 (Pledge of Allegiance recited.)

5  
6 CHAIRMAN RICHARD: Thank you.

7 We'll begin our session today with public  
8 comment, and as we always do, we will take these  
9 comments in the order of which they were received, but  
10 we afford our elected officials an opportunity to speak  
11 first.

12 And before we do, I'd just like to make one  
13 point, because I know a lot of you are here because of  
14 the item on the agenda having to do with the staff  
15 presentation on alignments through the Central Valley,  
16 and I know this will probably come up through the course  
17 of discussion, but our meeting today is not a decisional  
18 meeting of the High Speed Rail Authority to select an  
19 alignment. It's really about moving to the next step in  
20 the process. So I know there's a lot of concerns that  
21 people have. We want to hear your concerns, but I do  
22 want to make sure that we frame the issue in that way  
23 before we begin.

24 So we'll start. First we have Terry Maxwell from  
25 the -- council member from the City of Bakersfield.

1           Welcome, sir. Good morning.

2           MR. MAXWELL: Good morning. Thank you for  
3 your time this morning. I am Terry Maxwell. I'm the  
4 Ward II City Council Representative in the City of  
5 Bakersfield. I want to come here this morning to  
6 represent the City and where we stand on the efforts by  
7 the high-speed rail to place a station in the downtown  
8 area. It's, as you can imagine, created quite an  
9 uproar. We're a historic city. We have lots of people  
10 that this would disrupt their lives. It is our feeling  
11 that a better served space for your station would be on  
12 the west side or on the east side of town. Both of  
13 those areas have plenty of land. It would not disrupt  
14 people's lives, and as you know, high-speed rail is a  
15 one dimensional -- sort of a proposition. It only gets  
16 you from one point to another. The way it would be able  
17 to be successful in Bakersfield, I think, is if we, as a  
18 City, were to use our Golden Empire Transit to help  
19 people to establish that second dimension, which is  
20 actually getting to the station, if the station were  
21 located on the west side, the socioeconomics and  
22 demographics would dictate that your ridership would be  
23 considerably better. The downtown area is,  
24 socioeconomically, a depressed area. About the only  
25 thing happening down there is businesses and some of the

1 the courthouses that are down in the downtown area. And  
2 so, success -- if success is on your mind, I think that  
3 the west side or the east side would certainly suit you  
4 better to do what it is that you want to do, and then  
5 you would not be disrupting the lives of a lot of people  
6 in the downtown area, taking out some of the historic  
7 things that we have and we really love about our city.

8 I am here today because I want to make sure that  
9 this committee knows from an elected official where  
10 Bakersfield feels this particular subject should be  
11 placed. It is on our forefront. It is something that  
12 we think about. We have other issues that we're  
13 considering taking out some neighbors, and as I said, I  
14 personally feel bad because most of this is in my work,  
15 and the downtown station you're proposing is in my ward  
16 also.

17 I, personally, would like to say that as far as  
18 the high-speed rail is concerned that it's a 19 -- or  
19 it's an 1890s technology that we're using to try and  
20 solve some problems in the 21st century. I think we'd  
21 be better served to look at some of the technology  
22 that's coming along in terms of cars being able to drive  
23 themselves, and we'll be able to go at higher speeds.  
24 We'll be able to do the other things while the cars is  
25 driving us. We'll reduce the amount of pollution we

1 create because it will brake less. We'll go at higher  
2 speeds, and it will get us to our places faster. My  
3 greatest fear is that if you go back a hundred and  
4 twenty years when high-speed rail was first discovered,  
5 we haven't come much further because it still runs about  
6 the same speed, and it can still carry only the same  
7 amount of people it did in the 1890s. In thirty years,  
8 where are we going to be? If we don't look to the  
9 future to what our transportation is going be, then  
10 we'll be still stuck in 1890. I'd like to think that  
11 this board would really look at some of the really great  
12 technology coming out that's going to help us to reduce  
13 the number of people that are killed on the freeways and  
14 in our streets that will help to decrease the pollution  
15 in our air, because of all of the studies seem to  
16 indicate that this new technology is going to do  
17 tremendous wonders for our ability to get around.

18 And then the last thing I will close with is that  
19 if you have not be been able to see a copy of this book  
20 called, Gridlock, it's written by Randal O'Toole, who is  
21 a senior fellow at the Cato Institute. A very bright  
22 guy who had a lot to say about what the transportation  
23 of the future will look like. I fear that if you do put  
24 that station in the downtown area, it will have a  
25 tremendous amount of failure because it's not placed in



1 the right area for you to get your maximum ridership.

2 I do want to thank you for listening to me this  
3 morning and for giving me a few extra minutes to express  
4 where the City of Bakersfield stands on the proposed  
5 downtown station. Thank you.

6 CHAIRMAN RICHARD: Thank you, Council  
7 Member. Let me assure you that we do very much want to  
8 work with the City of Bakersfield. We know these are  
9 very important decisions, and we appreciate your coming  
10 here this morning.

11 MR. MAXWELL: Thank you. I appreciate it.

12 CHAIRMAN RICHARD: Next is -- I have the  
13 cards in this order but I think that -- I think the  
14 protocol should have me switch them so that the Chair of  
15 the Board of Supervisors of Kings County goes before  
16 Richards Valle, but I hope I'm not offending anybody  
17 here. We have two supervisors from Kings County.  
18 Supervisor Verboon.

19 MR. VERBOON: Take my gum out. Good  
20 morning, Chairman, members of the board. My name is  
21 Doug Verboon. I'm the Chairman of Kings County, and I'm  
22 a fourth generation farmer, and I have also farm a ranch  
23 located in Hanford, and I'm proud to say that I'm also  
24 Kings County Agriculturer of the Year.

25 I'm here to present comments on the County's

1   behalf along with our local Kings County Farm Bureau and  
2   a group of people that have formed the California  
3   Citizens for High-Speed Rail Accountability who have  
4   traveled a long way to speak with you and I hope will  
5   afford us a little extra consideration to hear their  
6   concerns. I'm hand delivering a letter prepared by our  
7   legal counsel. It is the second part of a set of  
8   comments we started before you at the last meeting down  
9   in Los Angeles last month. Now we're here in  
10   Sacramento. We sure wish you would have a little more  
11   progress since February is closing in.

12           Kings County has been on the opposite side of the  
13   Authority for too long; One, over Proposition 1-A and  
14   the other is over the Authority seeking validation, but  
15   today we're here to ask you not to make the mistake of  
16   creating more momentum for a particular alignment with  
17   Kings County until you and your staff have really sat  
18   down and coordinated with us, Kings County. You have to  
19   get you environmental documents right, make sure  
20   everyone has a good chance to look them over, and I  
21   don't mean during the holidays. Real people are facing  
22   real impacts and from what you're planning, impacts to  
23   their lives and livelihoods and to their families, there  
24   are plenty of the new information and recent changes  
25   since you put the revised EIR last year. The staff

1 recommendation is a series of major last-minute changes  
2 for new discoveries that people have to have time to  
3 look at and think about. The letters we -- the letters  
4 we and others are putting in talk about new geological  
5 information, shallow groundwater, land compressible soil  
6 changes, like elevated channels of Kings River and power  
7 lines not being identified in the relief estimates.  
8 There are better alternatives missing that we still  
9 don't have the satisfactory information for. The State  
10 Route 99 and I-5 borders have advantages and  
11 disadvantages of their own, but those should be laid out  
12 side by side of the alignment in our county. The view  
13 from Kings County is that either of those major  
14 transportation corridors would make a lot more sense  
15 than to plan -- than the plan that you're staff  
16 currently is presenting today. We are asking you to put  
17 together a project that -- that makes sense to people on  
18 the outside looking in, not just your staff, and answer  
19 the question we have been proposing all along and  
20 coordinate your efforts with us.

21 If this project is going to be done, it's going  
22 to be done right. And I have said it before, I said, we  
23 are leaders of the free world. We should show the rest  
24 of the world how it's done and not fight and argue and  
25 be at lawsuits with each other. We should lead by

1 example.

2           On my way up here today, I talked -- and says,  
3 you know, "We have the issue in our county about the  
4 solar projects." I said, "You know, they came into our  
5 community, and they came in and they started doing  
6 donations to our charitable causes, to our high schools,  
7 and they became part of the community before they  
8 started the project. They became part of us," and I ask  
9 that of you, too. It's our third year that I have  
10 talked to you. I was in front of you in Washington,  
11 D.C., Kings County. We have only had four meetings  
12 total through the years, and here you are going to put  
13 something up through our community that devastates our  
14 livelihood. I'm Agriculturer of the Year in Kings  
15 County, and agriculture is number one in Kings County.  
16 We make \$2.2 billion, and we have a very, very small  
17 county in California. We're rank 13th in all -- in 58  
18 counties throughout the state for agriculture and this a  
19 big impact on our county. I -- we should take time and  
20 look at it closely and work with our Kings County staff.

21           So thank you for listening to me, and I'm  
22 available any time.

23                   CHAIRMAN RICHARD: Thank you, Supervisor.

24                   MR. VERBOON: And I'll enter this into the  
25 record?

1                   CHAIRMAN MCDOWELL: Yes, sir. In fact,  
2 Vice-Chair Richards tells me that he wants to make sure  
3 that your comments are entered into the record. I'm  
4 sure they should be, but let's double check, and if you  
5 could do that. Thank you.

6                   Supervisor Richards Valle, also from Kings County  
7 Board of Supervisors.

8                   MR. VALLE: Good morning, Mr. Chair, members  
9 of the Board. I want to first start off by apologizing.  
10 After my comments here this morning, I have to head  
11 immediately back to Kings County for an additional  
12 important issue for us in the county.

13                  Mr. Chair, over the weekend, as I was doing my  
14 reading, I came across an article in Bakersfield  
15 California, and I have that article with me here today.  
16 The headline reads, "Local oil activity may spur reroute  
17 of high-speed rail." And the first sentence in this  
18 story states, "A surge in recent oil investment near  
19 Shafter has prompted a substantial redrawing of the  
20 proposed high-speed rail project in Kern County." That  
21 redrawing is before you this morning.

22                  Now, I want to applaud you for being  
23 understanding of those investments and that viable  
24 energy. I want to thank you for moving that alignment,  
25 for moving that alignment for energy, but I would ask

1 that you would take those same considerations as it  
2 relates to energy and potential energy investments in  
3 Kings County. Below us in Kings County is known as the  
4 Monterey Shale, and recently, there have been national  
5 press coverage on the Monterey Shale and the impacts  
6 that it can have, not only on the San Joaquin Valley but  
7 in Kings County.

8 Last month, a study released by Fresno State  
9 University laid these findings: Energy can create over  
10 195 thousand new jobs, \$22 billion in personal income  
11 for area residents. That's good news for Kings County  
12 and for the Valley, especially since we suffer in such  
13 high unemployment. 15.4 billion barrels of recoverable  
14 oil. I ask you that you don't make any decisions that  
15 can minimize those future opportunities in Kings County  
16 in the Valley. As of now, we appear to be merely  
17 scratching at the surface of the benefits to produce a  
18 valuable energy source that can drive California's  
19 economy, and when it comes to a boom in economy and jobs  
20 for the San Joaquin Valley, I believe that oil will  
21 produce that boom, not high-speed rail.

22 I want to close with this sentence again, the  
23 first sentence, a surge in recent oil investments is  
24 prompting you to redraw your route. Let me remind you  
25 that for over one hundred years, there have been

1 investments in Kings County for agriculture, and it's  
2 those investments that, today, continue to feed the  
3 state, this nation, and the world. Please keep that in  
4 mind when you do plan to vote on your lines through  
5 Kings County. Cutting through the heart of an oil field  
6 is no different than cutting through the heart of an ag  
7 field. And if you're not prepared to redraw your  
8 alignment for food, then let me be clear, the energy in  
9 this room, the San Joaquin Valley, will not sit idle and  
10 let this happen. Your train, you say, is supposed to be  
11 about a service to the people, and a service to the  
12 people should never hurt the people that it's intended  
13 to serve. Thank you for your time.

14 CHAIRMAN RICHARD: Thank you, Supervisor.

15 I also have a speaking request from the county  
16 counsel for Kings County.

17 Ms. Carlson, would you like to speak now so  
18 you're part of the group in Kings County?

19 MS. CARLSON: Either way you want to do it.

20 CHAIRMAN RICHARD: Why don't you come  
21 forward now.

22 MS. CARLSON: Good morning, Chairman Richard  
23 and board members. My name is Colleen Carlson, and I  
24 serve as county counsel for the County of Kings and  
25 before I begin my actual comments -- I don't see Diana

1 Gomez here, but I wanted to congratulate her on her  
2 Society of Hispanic Professional Engineers, the award.  
3 I'm not quite sure how to say it, but that's a big deal.

4 I, along with many others from Kings County, woke  
5 early this morning to travel many hours for the  
6 privilege of speaking before you, and I'm thankful we  
7 live in America and have that privilege. We, of course,  
8 are disappointed that you couldn't have it closer to the  
9 areas that will be impacted by the discussion you're  
10 going to have today about all the segments, and I would  
11 urge you with all my heart to rethink your approach to  
12 the Central Valley, the timing of your action, and to  
13 revisit well documented, unfinished business in Kings  
14 County. The County has grown health, safety, and  
15 concerns and fears address damage relating to your  
16 project.

17 A lot of my comments today are about irony, the  
18 opposite of what one typically expects. Over the past  
19 three years, you have flip-flopped three times on a  
20 preferred alignment for Kings County. First east, then  
21 west, now east again. What has changed since April of  
22 this year that you didn't know when you first went east  
23 over the objection of US EPA and Army Corps? Do you  
24 understand that your actions, each time you flip-flop or  
25 change, have impacts on our community? On our farmers



1     abilities to get farm loans? You have impacted  
2     operations in decision making. The ones on the west  
3     fear what they have to do. Then the ones on the east  
4     fear what they have to do. This is not fair to our  
5     community especially since we have been reaching out to  
6     you for three years.

7             Mr. Chairman, when you met with us in June, you  
8     claimed, essentially, to neutralize your staff's April  
9     recommendations so that we could work in good faith  
10    without a black cloud over our heads. We haven't heard  
11    a word since.

12            CEQA section 21000.1 requires public agencies to  
13    conduct a project to the same level of review and  
14    consideration under CEQA as that of private projects  
15    required to be approved by public agencies. The  
16    Authority has spent 17 years and hundreds of millions of  
17    dollars studying the environmental impacts of its  
18    high-speed rail project, only to recently argue in court  
19    that Prop 1-A does not require compliance with CEQA.  
20    That's irony.

21            I note that despite your staff's agenda footnote,  
22    that page 1-2 of the programmatic EIR/EIS adopted by  
23    your board in 2005 indicates, and I quote, "The proposed  
24    HST system is subject to environment review under CEQA.  
25    The Authority is both the project sponsor and lead

1 agency for CEQA compliance." The Authority recently  
2 vehemently argued to Judge Kenney that Prop 1-A bond  
3 validation was imperative because those funds are  
4 urgently needed to begin project construction, then  
5 argued to the same judge a couple weeks later in a  
6 different but related case that it doesn't needs the  
7 Prop 1-A funds because other State funds can be used.  
8 That's irony.

9 A recent Authority press release says you, Mr.  
10 Chairman, advocate for a strong partnership to be forged  
11 with local governments, but you refused to do so in  
12 Kings County. That's irony.

13 Since early 2011, the Authority has argued it's  
14 not required to coordinate the details of thirty miles  
15 of the spine of its project with Kings County. Yet,  
16 Bret Albright, your former acting director of planning  
17 and current employee of consultant Parsons Brinckerhoff  
18 is quoted in August of the 2013 as indicating, quote,  
19 "Coordination is key to building a better California and  
20 a high-speed rail project," and explaining, quote, "It  
21 has to be done locally and then build up." We were  
22 right all along yet ignored and patronized. That's  
23 irony.

24 You provided millions of dollars to Fresno to our  
25 north and worked diligently with them to enhance routine

1 transportation corridors along Highway 99 and are  
2 working with Shafter and Big Oil to completely reroute  
3 the southern most portion of the Fresno Bakersfield  
4 alignment in order to continue along existing  
5 transportation corridors, but then you slice right  
6 through the middle of protected farmland away from  
7 existing corridors in desecration of our general plan to  
8 gain speed on the backs of Kings County and its hard  
9 working, food producing farmers. That's irony.

10 Proposition 1-A supports transit oriented  
11 development of existing transportation corridors. The  
12 BNSF and existing corridor veers away from Fresno and  
13 Highway 99 and travels directly through the middle of  
14 Kings County where there is a train station, a bus  
15 station, and transit hub, but you choose farmland  
16 instead, and that's irony.

17 Visalia offers for a station near it's airport  
18 situating at the hub of two major highways and the UC  
19 railroad corridor, and you indicate using that route  
20 would take too much farmland. That's irony.

21 You explain to the people of Kings County that  
22 the Highway 99 route is not ideal because it curves too  
23 much, yet, you zigzag in and out of farmland and under  
24 major power lines to use Kings County. Irony.

25 In 2011, your people told Kings County, "It's too

1 late to change," but has since released two different  
2 draft versions of your environmental documents, ignoring  
3 Kings County's well documented concerns. And yet, you  
4 are willing to accommodate Big Oil and oil Shafter.  
5 That's irony.

6 I note that your blended approach is highly  
7 acclaimed according to a recent Authority press release,  
8 but the Superior Court judge ruled in August '13 that  
9 such funding plan and approach is an abuse of discretion  
10 that does not comply with Prop 1-A.

11 We have many other concerns related to progress  
12 notes that we have reviewed where your own consultants  
13 raise safety concerns, and I won't go into each of those  
14 details because I have gone far too long. Those  
15 concerns to help the safety and welfare of our  
16 communities and our Board of Supervisors certainly has  
17 power to protect the health, safety, and welfare of the  
18 community. I hope that you will reconsider some of the  
19 actions you're taking and that you will revisit some of  
20 the very important issues that we have raised. A lot of  
21 them are outlined here in my own presentation, and I  
22 have volumes of other correspondence that we have  
23 provided to you. We would love to talk with you and try  
24 to work out some of these problems.

25 CHAIRMAN RICHARD: Thank you, Ms. Carlson.

1 MS. CARLSON: Thank you.

2 CHAIRMAN RICHARD: Our next speaker is  
3 County Supervisor Henry Perea from Fresno.

4 MR. PEREA: Thank you, Mr. Chairman, members  
5 of the Commission. Fresno stands here today in support  
6 of staff recommendation to move this process along so  
7 that we hope after you go back and deliberate, you keep  
8 a very historic project for California moving forward.  
9 You know, I certainly have a tremendous amount of  
10 respect for my colleagues in the Valley. I know these  
11 are tough issues in what we'll be building here, this  
12 major infrastructure project, but I'd also like to also  
13 remind the context of what we're dealing with. We know  
14 the alignments of high-speed rail are going to impact  
15 about 49 hundred acres of ag land in the alignment, but  
16 we also know that it's well over four million acres of  
17 the ag land and points that are being affected. So yes,  
18 it's going to affect individual landowners, and whether  
19 it's a farm or a business or a home, we all work  
20 together to make sure that we minimize the impacts of  
21 that. I just want to make sure that the context is  
22 there that there's a lot of ag land in this state. We  
23 cherish it. We take care of it. We make sure there's  
24 water to plant, but we're certainly not going to impact  
25 the agriculture production and keep our ratings as the

1 top ag producer in the Valley. So -- but we -- we're  
2 excited in Fresno County to continue to do the work that  
3 we do. We're in the process of maximizing a 700 acre  
4 industrial park that we'll be able to -- high-speed rail  
5 position ourselves as the high-speed rail producer in  
6 the United States. To a broad vision that you see that  
7 as big as this project is in California, it will shoot  
8 across this county. There's no reason why this  
9 shouldn't transport the Valley as the high-speed rail  
10 mecca and create a different type of job complement in  
11 the ag industry that we have.

12 So thank you for what you do, and Fresno is glad  
13 to be here and support your efforts.

14 CHAIRMAN RICHARD: Thank you, Supervisor.

15 Next, I believe, unless I'm not seeing it, I  
16 believe we have finished with our elected officials.  
17 I'll be apologetic as we get to that.

18 Next is Ms. Brenna Garcia representing San  
19 Joaquin County Chamber of Commerce, and she'll be  
20 followed by Robert Jones.

21 MS. GARCIA: Good morning. Thank you for  
22 having me today.

23 Members of The Board, California's high-speed  
24 rail project has been a source of major interest by our  
25 constituency at the San Joaquin County Spanish Chamber

1 of Commence. We view this as an opportunity to put  
2 local businesses and create jobs that will support local  
3 economy. One of the biggest opportunities lies in the  
4 upgrading of many of our existing lines that will  
5 support the high-speed rail project once it is online  
6 but currently continue to provide travel routes for the  
7 Central Valley and -- for the Central Valley and the Bay  
8 Area as well as other parts of the state. With the  
9 development of both the HSR component and upgraded  
10 system, job seekers and local businesses look forward to  
11 participating in the bid process and the job creation.  
12 We will continue to support the delivery of the system  
13 upgrades and high-speed rail through our events that the  
14 chamber hosts such as our annual procurement expo, our  
15 job expo, and our business forecast concert as well as  
16 through our monthly publication.

17 Thank you for this opportunity to show our  
18 support as this process moves forward in creating  
19 opportunity for our constituency at the San Joaquin  
20 County Spanish Chamber of Commerce.

21 CHAIRMAN RICHARD: Thank you.

22 Next is Robert Jones followed by Marvin Dean.

23 MR. JONES: Good morning, Mr. Chair and  
24 Board. My name is Robert Jones. I was before you last  
25 month in Los Angeles, and I come before you today, it is

1 my hope that you were going to review the diversity  
2 report. I didn't see it on the agenda, so I assume that  
3 it was more labor intensive than was first thought,  
4 and I would just like to remind you that those of us in  
5 small business and disadvantage business would like to  
6 see that report, and I would like to add one further  
7 request that the diversity report and utilization report  
8 and that is, if we could break down the spend, the  
9 commitment by ethnic groups. I understand that the  
10 board doesn't have the authority to enforce the  
11 percentage spent by ethnic groups, but I think that it  
12 is the board's moral obligation to report back to us,  
13 the utilization.

14           And then the last thing that I would like to say  
15 is that I was going through the high-speed rail website,  
16 and I found the small business utilization report  
17 summary that covered the period of July 1st, 2006 to  
18 March 31st, 2013, and there were ten firms that were  
19 listed on here that had contracts and contracts totaling  
20 \$804 million, and they had a commitment of about 11.5  
21 percent, and I understand that this report was done  
22 before the enactment of the small business program, but  
23 it just illustrates, at least illustrates to me, that we  
24 have a long way to go. To go to thirty percent from  
25 11.5 is going to take some doing, and it's going take



1     some planning. And my request to the Board would be  
2     that the Board monitor this process and make sure that  
3     we don't get to the end and have something on the --  
4     because that would be a shame.

5             So that concludes my speech this morning. Thank  
6     you.

7             CHAIRMAN RICHARD: Mr. Jones, thank you very  
8     much, and I just asked our CEO, Mr. Morales, when we  
9     could expect the Board to see the diversity report, and  
10    he tells me that it will be on next month's agenda.

11            MR. JONES: Thank you.

12            CHAIRMAN RICHARD: So I wanted to let you  
13    know that.

14            Marvin Dean.

15            MR. DEAN: Good morning, everyone. I'm here  
16    representing myself and also the San Joaquin Valley  
17    Construction Management Group, that's my company, and  
18    also the contract association, but I'm here to speak on  
19    two items in support, and I want to make some brief  
20    comments on what items they are. Item number two, I'm  
21    supporting and we need to move forward with, and I know  
22    a lot of people are concerned about we need to get this  
23    thing moving. I'm going to tell you why in a minute.  
24    But I'm also here standing in support of item number  
25    four, the regional consultant contract in Bakersfield to

1 Palmdale that you're going to be awarding today, and  
2 I'll speak to that.

3       The first item, people normally see me come and  
4 speak for the high-speed rail and say, "Well, that guy  
5 has no skin in the game. Sure. He can support the  
6 project because maybe one of his groups or that kind of  
7 thing." But I want the people to know, that's  
8 listening, that the preferred route when it comes  
9 through Bakersfield to Palmdale, if you look at an  
10 aerial, you'll see it cuts right through my office  
11 building and one acre of my commercial property. So I  
12 will be affected by this project. And that being said,  
13 I still support this project one hundred percent, and I,  
14 as a property owner that's in one of the proposed  
15 alignments, would like to know, as soon as possible,  
16 what route is going to be picked whether we build on it  
17 or not because that then gives us the ability -- those  
18 other route people are affected with the alignment.  
19 They know that they can go ahead and move forward with  
20 their project. I then know I would not make additional  
21 investments in that project, that site which I have --  
22 had planned to develop for the commercial -- some  
23 commercial warehouse buildings there. That would be  
24 foolish for me to do that. So I want to know as soon as  
25 possible what is the preferred route. I don't care when

1   you're going to build it, but that lets me know what to  
2   do as an affected property owner. And my decision on  
3   the routes, on all the routes, as an affected party, I  
4   take no position on which route, because somebody is  
5   going to be effected, so it would be a hypocrite for me  
6   to say, "Build it on somebody else's property, and I  
7   support the project."

8           The way I come to this is that you look at the  
9   engineer design first on the three routes. Then the  
10   next one is what's going to impact the least amount of  
11   people on the prime farmland, and then the third one,  
12   because somebody's going to be affected, that people be  
13   paid fairly and timely for the taking of their property.  
14   That's my position on the route as a supporter, but I  
15   think it's going to be a benefit for this entire state  
16   when the project is built out, so you can't be looking  
17   at it from a personal, narrow point of view, but I just  
18   wanted to say that so people see me standing here know  
19   that I also have skin in it.

20           The last thing I just wanted to speak on because  
21   I'm supporting the firm that's going to be recommended  
22   for this Palmdale to Bakersfield, I did look at some of  
23   the numbers that the last gentleman spoke on. The  
24   numbers weren't that high, but we talked to that firm,  
25   and they did ask us to try to help them -- to help them

1 to improve those numbers and we're going to do  
2 everything we can to help them make those numbers.

3         So again, I think we just need to keep the  
4 project moving. The most critical section is from  
5 Bakersfield to Palmdale, try to get that southern  
6 California tied into this thing. And so anyway, that's  
7 my -- one other thing I have to say. I attended the US  
8 Chamber of Commerce -- not Chamber of Commerce -- US  
9 High-Speed Rail Conference in LA yesterday and today,  
10 the last two days. It was Wednesday and Tuesday. Jeff  
11 was there and spoke. And I stuck around, and I talked  
12 to a lot of the folks that are with the international  
13 companies, the companies working on the train system,  
14 some of the financing people and I challenged -- put a  
15 challenge out that -- because you have a proposal now,  
16 unsolicited -- because there was so much energy in that  
17 room and so much knowledge in that room, my thought was  
18 putting out to those folks that they need to perhaps get  
19 together, bring the private sector folks together with  
20 some of the folks that are looking to do the train  
21 systems and maybe come back with a recommendation on how  
22 they could fill in that gap from Bakersfield to Los  
23 Angeles to -- I think they're looking on down to  
24 airport, Burbank. We really need that. So I'm hoping  
25 some things are going to come out of this, soliciting

1 proposals from some of these guys that perhaps want to  
2 participate in this project, maybe put some capital in  
3 this thing, and I think there's a good response. A lot  
4 of them weren't even aware that we have that. So I  
5 think you really need to promote that. That's an  
6 opportunity for them to come forward and get some ideas.  
7 So thank you.

8 CHAIRMAN RICHARD: Thank you, Mr. Dean.

9 I had a note handed to me. We have CAARD here  
10 here, but we also have, among our elected officials,  
11 Visalia mayor.

12 Mayor, did you want to speak?

13 MS. SHUKLIAN: I'd like to. Sure.

14 CHAIRMAN RICHARD: Yes, please. Good  
15 morning.

16 MS. SHUKLIAN: Thank you, Chairman Richard,  
17 Vice-Chair Richards. There's no Richardson on the  
18 board, right? We have a Richard but -- and board  
19 members, thank you for having me here today. I'm Nee,  
20 and I'm the major of Visalia, California, which is  
21 situating in Tulare County. Visalia currently has  
22 almost a hundred and thirty thousands residents, and  
23 it's the largest city in the Tulare Kings County region  
24 between Fresno and Bakersfield. Our city does support  
25 the staff recommendation for the east Hanford alignment,

1 because it places the potential future Kings Tulare  
2 regional station closer to Visalia and other large  
3 population centers of Hanford.

4 Just to give you a little bit of history, some of  
5 you may or may not know that for over ten years, Visalia  
6 has supported a high-speed train station in our region,  
7 and as Ms. Carlson mentioned earlier, we even have  
8 offered free land to the Authority to have the station,  
9 if the alignment did come closer to Visalia.

10 Unfortunately, that did not come to fruition.

11 Therefore, a site that's close to Visalia as possible is  
12 something that we do support, and at the junction of  
13 State Highway 198 and Highway 43, we feel is suitably  
14 located to serve all the cities in Tulare and Kings  
15 County. Currently, Tulare County, in the 2010 census,  
16 have residents of 443,000 and Kings County has 153,000.  
17 According to the State Department of Finance, by the  
18 year 2060, Tulare County will have over 837,000 and  
19 Kings County 282,000 residents. So clearly, placing a  
20 future station on the east side of the Hanford will  
21 serve the greatest number of current and future  
22 residents in the Kings and the Tulare County area.  
23 Locally, public transportation ridership has grown  
24 significantly in our area, and we feel that residents  
25 will be increasingly looking to use public

1 transportation in the future. So a station located on  
2 the east side of Hanford will be accessible to the  
3 greatest number of our residents and will maximize  
4 ridership for the high-speed rail train system in our  
5 region. Because Tulare and Kings Counties are  
6 relatively remote from major areas in the state, having  
7 a high-speed train station nearby will greatly improve  
8 access for our residents for educational, medical,  
9 business, cultural centers that we see in the large  
10 urban areas.

11 So again, we'd like to thank you for considering  
12 the east Hanford alignment for maximum ridership, the  
13 benefit of the majority of residents in Tulare and Kings  
14 County, and we also want to thank your staff for having  
15 worked with us during the past ten years or more to get  
16 high-speed rail. Whether or not, you know, we get a  
17 station in Visalia or near Visalia is very important to  
18 us. We don't want to miss the train. We don't want to  
19 wave at it as it goes by. So we're glad that you're  
20 considering a stop in -- as close to Visalia as  
21 possible.

22 I, too, just to go off of Mr. Verboon, I grew up  
23 in the Hanford area in Kings County. Currently, my  
24 brother has a farm there, not in the area of the train,  
25 but I went to Hanford High School, was active in the

1 Future Farmers of America, was a Golden State Farmer.  
2 So I clearly understand some of the reasoning behind the  
3 folks there. But as we were driving up the 99 and the  
4 I-5, I wondered, at a time, I'm sure there was a lot of  
5 protest to that, but for the future of transportation  
6 within California, I think this is important gesture.  
7 So thank you for your time.

8 CHAIRMAN RICHARD: Thank you, Mayor. Thank  
9 you very much.

10 Our next speaker is Benjamin Hauelin followed by  
11 Charlie Guess followed by Larry Knapp after that.

12 Good morning.

13 MR. HAULIN: Good morning, members of the  
14 Board. Benjamin Handling on behalf of our clients,  
15 Coffee Greenwall, LLC, and World Corp. Coffee Greenwall  
16 is developing 265 acres of northwest Bakersfield with  
17 the project, the high-speed rail alignment crossing  
18 Bakersfield. While we appreciate staff's hard work and  
19 request that you district Bakersfield, we urge the Board  
20 to reject the preferred alignment. The Authority has  
21 not identified sufficient funding to build high-speed  
22 only tracks from Shafter to Bakersfield, and there was  
23 no viable under to support. You should not draw a line  
24 today that runs through neighborhoods, homes, and  
25 businesses in Bakersfield and will cause property values



1 to drop, communities to be disrupted, and businesses to  
2 forego investments. Instead, we urge the Board to adopt  
3 the preferred alignment that the new high-speed only  
4 tracks from Fresno to Shafter that ties into the  
5 existing Amtrak lines of Shafter and continues on its  
6 existing track to Bakersfield. This is a feasible  
7 alternative with independent utility. Alternatively, we  
8 urge the Authority to commit to take a fresh look at the  
9 options for the Bakersfield areas. This can be done  
10 through the environmental review of the lines next  
11 segment. Consistent with staff's proposed resolution,  
12 we urge you to confirm that the Authority will not rely  
13 on the Fresno to Bakersfield EIR and deciding to have  
14 the trains pass through Bakersfield, and we urge the  
15 Board to direct staff to analyze alternative Bakersfield  
16 alignments in the Bakersfield to Palmdale EIR.

17 If the Board ultimately approves the recommended  
18 alignment and does not commit to further study of  
19 alternatives for Bakersfield, the decision will be  
20 vulnerable to legal challenge. Approval of the  
21 preferred alignment today also places an unnecessary  
22 black mark on every property in or near it and builds  
23 unnecessary opposition. Please consider these  
24 alternatives, which we have also summarized in a letter  
25 submitted to you today. Thank you.

1                   CHAIRMAN RICHARD: Thank you, sir.

2                   Charlie Guess followed by Larry Knapp followed by  
3 Jesus Vargas.

4                   MR. GUESS: Good morning. I'm Charlie  
5 Guess. I'm the managing principal of Arcadia Fresno  
6 office, and we're an engineering environmental  
7 construction management firm, but I'm here today as a  
8 California citizen and more importantly, as a proud  
9 parent of a California State graduate, who is also now  
10 embarking in the world. And many years ago when I was  
11 starting, I was mentored by many of the great persons of  
12 the great generation or the silent generation, who  
13 basically, won World War II for us and then went onto  
14 build the greatest economy in America. I now want to  
15 voice my support for moving forward on the preferred  
16 alternative so that I can be able to tell my children  
17 and grandchildren that our generation was able to make  
18 some tough decisions and move forward with the  
19 high-speed rail project. Thank you

20                   CHAIRMAN RICHARD: Thank you very much.

21                   Larry Knapp then Jesus Vargas then Benjamin  
22 Kimball.

23                   MR. KNAPP: Good morning. I scribbled some  
24 notes on the back of your handout.

25                   CHAIRMAN RICHARD: I'm sorry sir, could you

1 speak a little --

2 MR. KNAPP: Yeah. My name is Larry Knapp,  
3 and my sister and I own Lazy K Ranch near Chowchilla  
4 just this side of Fresno. Lazy K Ranch is a  
5 three-generation family-run operation including spouses,  
6 children, and my parents, who are still very involved in  
7 the business.

8 I'm here today to support agenda item number  
9 three authorizing your staff to engineer -- or into an  
10 off-site mitigation agreement with Lazy K Ranch. A key  
11 element of this agreement is a permanent conservation  
12 easement that will be placed on our property. Our ranch  
13 will, in turn, be used as a site for -- to offset the  
14 environmental impacts that will be incurred during the  
15 first phase of construction CP-1. This conservation  
16 easement will prohibit any future development of our  
17 property, thereby permanently protecting and preserving  
18 the threatened and endangered species that thrive on our  
19 property, while at the same time, preserving and  
20 protecting our ranching operation. There are other  
21 people here that are farmer-qualified to speak to the  
22 technical details of item number three, but I am here as  
23 a landowner. I felt it was important, before you made  
24 your decision, that you had an opportunity to meet me,  
25 hear briefly about our family, and potentially, to even

1 ask any questions that you might have of me. So I am  
2 available if you have any questions now or after the  
3 meeting.

4 CHAIRMAN RICHARD: Thank you very much, sir.  
5 We appreciate your coming here today. Thank you.

6 Mr. Vargas, good morning.

7 Followed by Benjamin Kimball and then Carolyn  
8 Pande.

9 MR. VARGAS: Good morning. Jesus Vargas.  
10 I'm here to advocate for moving forward, but first of  
11 all, I wanted to highlight that I'm not representing the  
12 City of Alameda's Transportation Commission that I sit  
13 on, I'm not representing the Aviation Museum that I am  
14 wearing a pin from, nor am I representing any other  
15 professional organizations, like WTS that had a meeting  
16 last night at the SFO Aviation Museum. What I do bring  
17 is some good words that were mentioned there by SFO  
18 staff and how they see the California High-Speed Rail as  
19 needed by them to handle some of the capacity that they  
20 won't be able to with future expansion that they would  
21 like to do, but because of challenges, airports like SFO  
22 are going to be limited and really do need backbone,  
23 spine, the blended rail to work in partnership with the  
24 airports.

25 So as a resident of Alameda, I do see a lot of

1 counties coming to California by having high-speed rail  
2 and ask that we continue to move forward to, you know,  
3 promote tourism, create jobs, and improve conductivity  
4 for all the state. Thank you.

5 CHAIRMAN RICHARD: Thank you, Mr. Vargas.

6 Benjamin Kimball followed by Carolyn -- it's Par.

7 MR. KIMBALL: Thank you, Mr. Chairman,  
8 members of the Board. My name is Benjamin Kimball. I'm  
9 the Deputy Director for Tulare County Association of  
10 Government, and it's our responsibility to represent our  
11 eight cities in our county on issues of regional  
12 planning and transportation. I just wanted to echo the  
13 words of Visalia. Tulare County is one of the fastest  
14 growing regions in the state. We have the single  
15 highest -- or fastest growing incorporated city in  
16 California in our boundaries. We have recently been  
17 upgraded to a large MPO by the Federal Government, which  
18 basically means we're treated the same as California's  
19 largest cities and programs in funding.

20 So the population projection that they mentioned  
21 by the year 2060 will put us on par with the population  
22 of San Francisco at that time, and so we wanted to  
23 reaffirm our interest in having a station located as  
24 close as possible to that growing population. There  
25 have been significant improvement in investments and in

1 transportation between Hanford and Visalia recently with  
2 the widening of Highway 198. There are great future  
3 opportunities, and conditions should warrant having rail  
4 ride between those two cities through the existing rail  
5 line, and so, again, we want to support that  
6 recommendation. Thank you.

7 CHAIRMAN RICHARD: Thank you. Excuse me.

8 Is it Carolyn --

9 MS. PANDE: Pande

10 CHAIRMAN RICHARD: Pande. Well, I apologize  
11 to you.

12 MS. PANDE: Absolutely. But good morning  
13 and thank you for the time to comment today. I'm  
14 Carolyn Pande from Del Monte Foods in Hanford. Del  
15 Monte operates a tomato facility in the Hanford area and  
16 employs over a thousand people at peak season. The  
17 plant is 65,000 square feet -- 650,000 square feet -- an  
18 additional 650,000 square feet of warehouse space. The  
19 facility is responsible for approximately seven thousand  
20 contract acres of California farmland. We process about  
21 385 thousand tons of California tomatoes annually.

22 We wanted to take the time today to thank staff  
23 for their time and attention to our concerns regarding  
24 the Hanford west bypass. The option would have  
25 significant logistical and costly impacts to our

1 operation. Replacing properties for our compliance with  
2 State water regulations would not only be costly but  
3 potentially impossible given the need for a particular  
4 soil composition and proximity to our facility. Through  
5 our work with staff, we focused on making sure that the  
6 Board is fully aware of the scale of impacts to the land  
7 in the final months, taken into consideration the  
8 difficulties in cost to replace lost value of any land  
9 used for the high-speed rail pathway.

10 We thank staff again for their time and attention  
11 and are committed to seeing the work together if that's  
12 necessary. Thank you for your time.

13 CHAIRMAN RICHARD: Thank you, and I  
14 apologize for mispronouncing your name.

15 MS. PANDE: No problem.

16 CHAIRMAN RICHARD: Okay. After Ms. Pande,  
17 Eric Miller followed by Ross Browning.

18 MR. MILLER: Good morning. I'm Eric Miller.  
19 I'm here with the Wasco Shafter ag group. I'm going to  
20 read my comments.

21 The Wasco Shafter ag group supports the existing  
22 BNSF alignment for the high-speed rail through the Wasco  
23 Shafter area. We have conducted an extensive evaluation  
24 of factors that have included the environment and  
25 public's interest consistent with the stated project

1 objectives, the interest of local ag or areas growers,  
2 impacts to cities and others. The city and project  
3 objectives include, number one, maximizing the use of  
4 existing transportation corridors and rights of way to  
5 the extent feasible and, two, providing intercity travel  
6 to and protective of the region's natural and its  
7 agricultural resources and reducing emissions.

8           It's obvious that the BNSF alignment would  
9 satisfy the -- maximizing the use of existing  
10 transportation corridors objective. This alignment  
11 would also reduce a number of road closures in our area,  
12 from twenty closures to only five, and greatly reduce  
13 the number of miles driven by farm equipment and those  
14 who live and work in our community, and consequently,  
15 reduce negative air quality impacts. The BNSF alignment  
16 also minimizes the impact to prime farmland. This is  
17 prime farmland which took many years for nature to  
18 create and is located in a unique environment only found  
19 here in the southern San Joaquin Valley. It is not only  
20 the nation's asset but the world's as well in its  
21 ability to produce food. This impact is even greater  
22 when considering the necessary space required to turn  
23 farm around at the end of the road, which will increase  
24 the impact of right of way area by about eighty percent  
25 and effectively raises the directly impacted acreage on



1 the bypass route to 1,231 acres. Not only does the BNSF  
2 alternative take less prime farmland out of production  
3 but also avoids the diagonal bifurcation of orchards,  
4 irrigation systems, farming pattern, equipment movement,  
5 all of which have negative economic impacts. The BNSF  
6 alignment is the right choice. It is the best fit for  
7 the project's objectives, and it is in the best interest  
8 of the public, growers, our communities, and all of  
9 those who enjoy the fine projects such as almonds,  
10 grapes, pistachios, and the tax revenues and the jobs  
11 these crops produce. Thank you.

12 CHAIRMAN RICHARD: Thank you, sir.

13 Ross Browning.

14 MR. BROWNING: Good morning, Chairman  
15 Richard and members of the Board. My name is Ross  
16 Browning, and I'm a proud resident of the County of  
17 Kings. For those of you that haven't been there, Kings  
18 County is that little piece of property in the center of  
19 the state.

20 On October the 25th, 2013, on channel 18's the  
21 Manning Report, Jeff Morales, current CEO of the  
22 California High Speed Rail, when asked about the people  
23 and resistance in Hanford stated, "It is the growing  
24 pains of the project." The resistance felt is not  
25 growing pains of the project. It is, however, our

1 attempt to shine light on the terrible, inept lack of  
2 planning and coordination of this project. It also  
3 highlights the inefficient and ineffective use of the  
4 tax payers' money.

5 South of the City of Fresno, your alignment  
6 leaves Highway 99 and goes helter skelter by diagonally  
7 through the best agriculture land in the country. South  
8 of Fresno County is Kings County. It is 34th in size of  
9 the 58 counties in California, but Kings County is 8th  
10 in the 58 counties in gross agricultural value as  
11 expressed in dollars in agricultural crops according to  
12 the Kings County crop report in 2012.

13 Growing pains? No, I don't think so. It is the  
14 destruction of Kings County's highly efficient  
15 construction and operation of its farms and dairies.  
16 This project should not be here. The high-speed track,  
17 at this time, is not aligned on a major transportation  
18 corridor, such as I-5, as proposition says it needs to  
19 be -- excuse me -- Proposition 1-A says it needs be.

20 This Authority needs to comply with the law and  
21 Judge Kenney's ruling of August 16th. At this time, you  
22 are operating illegally. You are doing a disservice not  
23 only to yourself but to all residents of Kings County,  
24 the taxpayers of the State of California, and you are  
25 trying to make a mockery of the State Judicial System.

1 Thank you.

2 CHAIRMAN RICHARD: Thank you, Mr. Browning.

3 Kathy Hamilton followed by -- is it Pat Giorni?

4 MS. HAMILTON: Hello.

5 CHAIRMAN RICHARD: Good Morning.

6 MS. HAMILTON: Thank you for hearing me  
7 today. I'm Kathy Hamilton representing myself. I have  
8 two quick things. Number one, I wanted to say that if  
9 the Authority is continuing to follow the full CEQA  
10 process because they say that it will confuse people if  
11 they change, let's make sure it's the full process.  
12 Going through the motions of CEQA but later when the  
13 get -- when the tough gets -- when the going gets tough  
14 because of, perhaps, a future CEQA lawsuit for it to  
15 declare that CEQA is not being followed, will really  
16 confuse and anger people. Be honest upfront about your  
17 environmental process. If it's NEPA, it's NEPA. If  
18 it's CEQA, it's CEQA.

19 Next, the Public Records Act is an important  
20 right for the public and the press to ensure  
21 transparency of public agencies spending public funds.  
22 It's a guarantee by the State Constitution. There has  
23 been a lot of complaints that there are too many  
24 requests, and this was obtained by an attorney that,  
25 that requested communications of emails. The problem is

1     that the Authority is making it difficult for  
2     themselves. They are not a transparent agency. If they  
3     were, there wouldn't be three-quarters of the request.  
4     The reports that the CAARD group is after should be on  
5     the site. No one is trying to harass anybody on your  
6     staff. We're attempting to find out -- find the  
7     information we are legally entitled to. I have sent  
8     numerous public records requests, and apparently, some  
9     have annoyed the staff, and they even went to the  
10    Attorney General's office, and said, "Do we have to give  
11    her this?" And they said, "Yes, you do." And I would  
12    say that if you would have given me the simple  
13    information I ask for which was -- this will only take  
14    another --

15                   CHAIRMAN RICHARD: That's fine.

16                   MS. HAMILTON: If you would have given me  
17    the simple information I asked for -- I was after which  
18    employees do you have on your staff that's holding  
19    themselves out as deputy directors are also employed by  
20    Parsons Brinckerhoff who has just left Parsons  
21    Brinckerhoff, I would not have requested the request I  
22    did. To think that I would hurt people if you -- if you  
23    gave me the information is insane. I am only after the  
24    data, the information. A simple request blossomed into  
25    an unmanageable one because of the Authority's -- not --

1 they did not want to give me what I was asking for. The  
2 final definition is this: the Authority has to help the  
3 public in getting their request, not look for ways not  
4 to answer it. For instance, you cannot ask -- you have  
5 to ask for the precise name of this or that when they  
6 know what we want. We don't know what things are  
7 exactly called, and it's your obligation to help us.

8 The last thing I wanted to say, the public and  
9 press cannot use the AG's office for enforcement. They  
10 must use the court. The AG's office should provide  
11 training on how the Authority's personnel are  
12 implementing the law in regards to drafts, extension of  
13 time, and the attitude to help the public with their  
14 request as opposed to providing a hostile environment.  
15 It is the Authority providing the hostile environment.  
16 If you have nothing to hide, you should be willing to  
17 comply with the law. Put those reports on the site, and  
18 you will have far less public records requests. Thank  
19 you.

20 CHAIRMAN RICHARD: Thank you, Ms. Hamilton.

21 Pat Giorni followed by Rita Wespi.

22 MS. GIORNI: Good morning. I'm Pat Giorni.  
23 I came up from Burlingame this morning. I'm wondering  
24 where my director, Mr. Hartnett, is. Anyway, when T.Y.  
25 Lin apparently retired at the pleasure of the Authority

1    this past June, which had included the Parsons  
2    Brinckerhoff of consulting, and turned over its program  
3    management oversight duties to Authority staff, for the  
4    record, a subsequent staff report noted that T.Y. Lin  
5    had withdrawn in June of 2012, but that's not correct.  
6    They were through July of 2013. Currently, any  
7    oversight, which remains the PB program management, has  
8    not been reported leading to a lack of transparency that  
9    no longer informs whether an independent oversight is  
10   not functional or not. But what I'm having trouble  
11   understanding is that now that T.Y. Lin is employed as  
12   an independent consultant in the Palmdale Bakersfield  
13   project with PB, Parsons Brinckerhoff, as its boss, how  
14   can there be no conflict of interest with the former  
15   overseer now on the payroll of the company it once  
16   scrutinized especially since it has only been a few  
17   months rather than even a full year of the T.Y. Lin  
18   disassociation in this whole process, or is this simply  
19   a case of bureaucratic incest? I really don't  
20   understand, and I know that you can't answer this  
21   question with the Brown Act, but it would be something  
22   that you would want to consider. Thank you.

23                   CHAIRMAN RICHARD: Thank you, Ms. Giorni.

24                   Rita Wespi followed by Frank Oliveira.

25                   MS. WESPI: Good morning, Chairman Richard,

1 members of the Board. I am Rita Wespi. I'm a cofounder  
2 of CAARD, and I'm here to talk to you today about  
3 transparency.

4 CHAIRMAN RICHARD: Ms. Wespi, if I could ask  
5 you to just pull your microphone down closer to you.

6 MS. WESPI: There you go. Is that better?

7 CHAIRMAN RICHARD: Uh-huh.

8 MS. WESPI: Your agency's transparency has  
9 gone out the window. For example, progress reports from  
10 your various consultants aren't logged on the  
11 Authority's website. Because they're not, CARD has to  
12 ask requests through the Public Report's Act, and we're  
13 usually told one of three things, "wait a few weeks,"  
14 "doesn't exist," or "it's draft." We have been asked to  
15 define words like, "communications," "commitments," and  
16 "expenditures." The Records Act has a very narrow  
17 definition of a draft exemption, which the Authority  
18 routinely abuses. We have emails between your public  
19 records staff and consultants, which say, "if it's  
20 draft, don't give it to them." It takes your staff  
21 several weeks to locate routine progress reports from  
22 regional consultant PB and their project construction  
23 management. These reports really should be at your  
24 fingertips. Caltrans progress reports for their portion  
25 of construction for constructing Package 1, they don't

1     exist. Caltrans invoices for Construction Package 1, it  
2     took two months for us to convince your staff that the  
3     invoices do exist and then that there are more than two,  
4     and then just for the record, only the first two have  
5     been paid. Technical advisory panel reports all leading  
6     notes since a year and a half ago are still in draft.  
7     Central Valley financial plan, which is FRA required  
8     prior to going out to bid for CP-1, it's still in draft.  
9     A record of expenditures says, aside from two points in  
10    time, 2012 and 2013, May and June, your staff has no  
11    such records. We were directed to your website for  
12    contracts which are not there.

13             May I have another minute?

14             CHAIRMAN RICHARD: Of course.

15             MS. WESPI: Thank you. We were directed to  
16    your website. The contracts, which are not there, and  
17    our followups pointed this out, we have just been  
18    ignored. We encourage you to review CAARD's requests.  
19    I think you'll find that we have been courteous  
20    throughout and that the majority of our emails can be  
21    contributed to two things: Lack of transparency in the  
22    first place. The records should be maintained on your  
23    own website, and a needless series of back and forth  
24    from your staff doesn't comply with the Public Records  
25    Act.



1           So what CAARD's asking the Board here, please, is  
2   look into your agency's compliance. Look at how other  
3   agencies handle their records requests. CalPERS is a  
4   really good model for records act transparency. The  
5   people of California have a right to know how this  
6   project is progressing. Thank you for your time.

7           CHAIRMAN RICHARD: Thank you, Ms. Wespi.  
8   Let me just say before Mr. Oliveira comes up, I know we  
9   have had a number of issues with CAARD on these Public  
10   Records Act requests. I don't -- I have never seen from  
11   our staff anybody saying, "let's deliberately slow  
12   down," but I know we have a lot of disagreements. I  
13   also appreciate your comment about courtesy. I had  
14   heard reports that things have gotten a little heated at  
15   some point, and we'd certainly like to avoid that.

16           So we'll take another look at this. We  
17   understand that even though -- I mean, you have an  
18   absolute right to public records. I don't think anybody  
19   denies that. I think sometimes people are working on  
20   things, and it does take longer than you think it  
21   should, but we'll take a look at this because this  
22   agency does aspire to be a transparent public agency  
23   especially with \$6 billion of public moneys going  
24   through it. So let's all see if we can work towards  
25   something that is workable.

1 MS. WESPI: I appreciate that, and, you  
2 know, we have been asking for these requests for five  
3 years now, and it is noticeably longer. It's much, much  
4 worse in the last year.

5 CHAIRMAN RICHARD: Well, there's a little  
6 bit more activity than there was five years ago.

7 MS. WESPI: I'm sorry?

8 CHAIRMAN RICHARD: I said, there's a little  
9 bit more activity than there was five years ago. So  
10 it's --

11 MS. WESPI: Yeah, but we have been asking  
12 for these reports. I mean, you know, we're just looking  
13 for progress.

14 CHAIRMAN RICHARD: Ms. Wespi, why don't we  
15 take this offline. We will take a look at this.

16 MS. WESPI: And I would like to say for the  
17 record, though, that I encourage all of you to go  
18 through and look at our requests. I have them here, and  
19 we have been nothing but courteous, and I really  
20 encourage you to look through those, and even when we  
21 have had a series of back and forth and on and on, we  
22 have never lost patience. Maybe you're mistaking us for  
23 someone else.

24 CHAIRMAN RICHARD: I don't think so, but  
25 that's okay.

1 MS. WESPI: Please do look. Please do look.

2 CHAIRMAN RICHARD: We will.

3 Okay. Mr. Oliveira followed by Alan Scott.

4 MR. OLIVEIRA: Frank Oliveira, and I'm with  
5 Citizens for California High Speed Rail Accountability.  
6 The first issue that I'd like to address to the Board is  
7 decisions are being made that are very important to the  
8 people in Kings County based on potential future route  
9 selections and what's being pushed forward to the  
10 Federal partners. People in Kings County, once they  
11 became aware of the agenda item, did think about this  
12 and participated and requested a satellite location  
13 because we are a long ways. We don't understand why  
14 this meeting isn't being conducted in Kings County or  
15 Bakersfield seeing as how this specifically affects  
16 those locations which are four to six hours away from  
17 this location. People did request a satellite location  
18 and were denied. Some people did ask that their  
19 statements be given to the Board. I have copies of  
20 their statements to give to the Board.

21 The reality is cooperation. What I have heard  
22 today is that you have cooperated amicably with some  
23 communities; some that you have not. I was going to  
24 talk to you about some of the things we talked about  
25 last month in Los Angeles, but I think Kings County

1 representative has already made it clear that you have  
2 not been cooperative with them. We're most of the  
3 people in the county for three years. You are required  
4 to coordinate with local governments pursuant to NEPA.  
5 That's a requirement. That's not something you can  
6 choose to do or not do. If you're going to comply with  
7 the law, which is what we expect, you need to coordinate  
8 with local agencies.

9 Let's move this onto the dangers of fabricating  
10 critical project data like what is used in agenda item  
11 two today. For thirty months, I have come before this  
12 board and said there was a problem that happened on May  
13 5th, 2011, that an alternative analysis report was done  
14 and information was not correct. This Board, not all of  
15 the same people that are on the board today, but this  
16 board took the position that when we said, "Wait a  
17 minute. That's not true," and staff provided fraudulent  
18 information about the situation on the ground in Kings  
19 County, we said, "We want that corrected." We were sent  
20 home and told to get a note by this board. That their  
21 staff, that your staff, knew better than we do about the  
22 situation on the ground. Thus, the struggle between us  
23 and you began with that report. Now, I see today that  
24 the agenda item two recommendation is based on that  
25 report. I have been asking you and advising you and

1     requesting that you consider when stuff is put into a  
2     report that you rely on, that it's factual and correct.

3             The next thing that's going to happen, I'm sure,  
4     is that the report from January 2012, which we asked you  
5     to correct regarding station planning, where your report  
6     says that we have all participated with the staff, and  
7     your staff are happy and we're happy about your station  
8     planning activities, which we all know is not true, but  
9     that will come up, I'm sure, in another report soon.

10            The big item that I want to discuss with you  
11    today is your plan. You have chosen today -- or your  
12    staff are going to recommend to you today, that you're  
13    going to proceed on the Hanford east route. That said,  
14    let's look at that. You're choosing a route that  
15    follows a ten-mile high voltage, one hundred and 15  
16    thousand volt transmission line. You're going to cross  
17    underneath it with a 37-foot infrastructure based on  
18    your documents. That infrastructure that you're going  
19    to cross under dips to 27 feet, which means something  
20    has to change, either your plan or that power line.  
21    Furthermore, after you go underneath the power line, you  
22    snap its drip line for ten miles along the east side of  
23    it. You come to several over crosses in our community,  
24    Elder Avenue, Flint Avenue, Fargo Avenue, where you plan  
25    to build a forty foot high overpass over a twenty-seven

1 foot high power voltage, high voltage transmission line.  
2 You'll cross up and, build station platforms for the  
3 proposed station, and then you'll drop back down. When  
4 you drop back down, you'll cross and have another  
5 overpass at Hanford, Houston, Ione, Idaho. All of them  
6 will have the same forty-foot twenty-seven foot wire  
7 problem. You'll cross back under the track but the  
8 transmission line -- back to the same problem that I  
9 started with. And you'll end with crossing on another  
10 crossing on Jackson Avenue, which is similar to the  
11 other overpass problems. That said, your plan will not  
12 coexist with that transmission line. Anything can be  
13 improved or corrected with engineering. That's the good  
14 thing.

15 The CP you see has advised me that you have no  
16 regulation to design. That regulation is very serious  
17 to these high voltage transmission lines. 17 years  
18 after this board was created, this Authority was  
19 created, you're designing a project that you have no  
20 plan specifications for. According to them, some of  
21 your staff are working with them to create these design  
22 specifications, and there's an expectation of a  
23 regulation in late 2014. That's good, but you're  
24 picking a route based on unknowns and things that you're  
25 going to do, which ultimately are going to change the

1 environmental impacts and what needs to be done on site.

2           There's another problem. Once the regulations  
3 exist, somebody's going to have to identify a problem,  
4 the problem, and then go forward with the planning and  
5 design and a Request For Approval, a public process,  
6 probably an environment review and then the actual time  
7 to do something. You will have to either change your  
8 plan, or you will have to work with PG&E to elevate  
9 those towers, bury, bury those transmission lines, or  
10 move those transmission lines or eliminate them. All of  
11 those things are going to take, from what I understand,  
12 five to ten years after you have regulation. What that  
13 does is that puts you looking at our cows in Kings  
14 County in 2020, waiting to move those lines, which is  
15 not what your plan says is going to happen.

16           CHAIRMAN RICHARD: Mr. Oliveira, as I think  
17 everybody knows, I'm pretty liberal on the clock but if  
18 I could ask you to --

19           MR. OLIVEIRA: I'll wrap it up.

20           CHAIRMAN RICHARD: Okay.

21           MR. OLIVEIRA: It's going to cost you  
22 hundreds of thousands of dollars to do it on your  
23 budget. Tudor Perini, which isn't part of that section  
24 yet, says that those circumstances, that situation,  
25 would be incurred and paid by you, not the contractor.

1 Do you have that kind of money in the budget? What is  
2 your plan regarding these transmission lines going  
3 forward on this route selection, route progression?  
4 What is your plan for these transmission lines? If you  
5 can tell us that here today during the agenda, do.  
6 Thank you.

7 CHAIRMAN RICHARD: Thank you, Mr. Oliveira.

8 Alan Scott followed by Diana LaCome and then Paul  
9 Guerrero.

10 MR. SCOTT: Good morning, Mr. Chair. Good  
11 morning, Board. My name is Alan Scott. I'm from Kings  
12 County. I am a member of Citizens for California High  
13 Speed Rail Accountability, and I wanted to just say with  
14 significant emphasis on accountability. On October  
15 14th, two public records requests were given to the  
16 Board. Amazingly, they were answered within ten days, a  
17 first for me. My first request was for specific maps  
18 that were on the old web page but could be found on the  
19 new web page since the end of May. In June, I asked a  
20 board member for some assistance, and he was very  
21 gracious, and over the next months, he did everything  
22 under the sun to try to help me out to no avail. I  
23 asked other members of staff to do the same thing. I  
24 kind of doubled down. That didn't work. I was given  
25 some alignments sent by another member. They were



1 wrong. Finally, at the end of the meeting in Los  
2 Angeles, a discussion was held with a member from our  
3 group, a member of the Board, and a member of the staff,  
4 and the question was asked, "How long will it take to  
5 get the maps?" The response from staff was, "eight  
6 months." Are you joking me? I will tell you how long  
7 it took to get the maps. 14th -- 24th of October. I  
8 have an email from Annie -- whatever. Sorry. I  
9 apologize. I don't know her last name, but just the,  
10 the response came back from you people with the two  
11 lengths that I needed. They were exactly what I wanted.  
12 They were different from the ones on the previous  
13 website, but I got them. Two days later, the disks  
14 arrive. So in less than two weeks, I went from eight  
15 months -- so somewhere along here, we have been hearing  
16 about disconnects. We have been hearing about  
17 grievances. We have been hearing about obligation of  
18 station. We have been hearing about a number of  
19 different things with the staff. I, personally, believe  
20 that after what I have been hearing and what I have been  
21 visualizing or what I have been seeing over the last two  
22 and half years, there's a major problem with the  
23 Authority, and that just troubles me. That's a very bad  
24 word in my dictionary.

25 Now, I had a second public records request, and

1    it's very long.  It's four pages long, and I asked all  
2    kinds of questions.  And my first question, I'll just  
3    summarize it, "Please define 'high-speed rail  
4    trainset.'"  Now, when I started this in 2011, in June,  
5    there was all kinds of information out there about  
6    everything under the sun.  Some of the board members  
7    that have been here a while remember that.  There was  
8    all kind of brochures about train passenger loads,  
9    ridership, length of trains, times, and so forth.  So I  
10   asked the simple question, "Define a high-speed train  
11   rail set."  Total number of cars per set.  The response  
12   was, from the Authority, and I'll read it right off my  
13   letter here, "The Authority has researched your request  
14   and determined that no such regs exist."  What are you  
15   building?  Is this a bus service?  Is this a taxi  
16   service?  The Authority doesn't have what a trainset  
17   looks like?  Why are you building tracks?  It makes no  
18   sense to me.

19            The next one is, specific to the individual  
20   passenger cars, "What's the maximum passenger load per  
21   car?"  I do remember from one of the brochures that it  
22   was, I think, a hundred.  The answer, "The Authority has  
23   researched your request and determined no such regs  
24   exists."  So then how do you get ridership?  I didn't  
25   make this up.  This is you guys.  This was done 17 times

1 in my four-page letter. "The Authority has no  
2 information," "No such records exist." Amazing,  
3 absolutely amazing.

4 Then I got a second request and answer back.  
5 They said they're going to take another 14 days to do  
6 something, and I appreciate that. And they sent back  
7 and said, "refer to -- " and I asked the question and  
8 it's a little long, but I'm going to read it. "There's  
9 been a significant validation of population shifts in  
10 our state especially in the San Joaquin Valley with an  
11 average of minus four percent. Requesting your latest  
12 -- " you know, Ms. Hamilton said it. We asked a simple  
13 question, and the answer I got back was -- and this is  
14 the answer I got back. It's absolutely unbelievable.  
15 I'm not going to read the whole thing.

16 CHAIRMAN RICHARD: Mr. Scott, I'm also going  
17 to ask you if you can --

18 MR. SCOTT: I will, but bear with me for a  
19 minute. It's says, "Go to the business -- go to the  
20 business plan of chapter five of 2012." I didn't ask  
21 about 2012. I asked about now.

22 So let me just say this in closing. Therefore,  
23 in closing, once the facts allude you and political  
24 maceration of this legacy project appear to the sole  
25 drive to complete this major disaster creating

1 generational, physical burden with zero outcome.  
2 Reminder, the state is broke. There is no funding  
3 stream. There is no private investment other than your  
4 political speak. All of your documents are seriously  
5 damaged and will only create cost overrun catastrophic  
6 financial death, fiscal death, and a major scar on  
7 California's landscape that will never be returned to  
8 the people. I find public accountability and service to  
9 be foreign to this board and the Authority. Thank you.

10 CHAIRMAN RICHARD: Thank you, Mr. Scott.

11 Diana LaCome followed by Paul Guerrero and then  
12 LeeAnn Eager.

13 MS. LACOME: Good morning, Chairman Richard,  
14 members of the Board, CEO Morales. I'm Diana LaCome,  
15 president of Associated Contractors and Engineers. I --  
16 there's a couple of things I wanted to discuss with you  
17 this morning, one is the construction management  
18 contract. The recommendation, I believe, by staff is to  
19 have one large CM contract on CP-2 and 3. APAC would  
20 like to recommend to you that you have two CM contracts,  
21 because it would make it so much easier for more small  
22 businesses to participate than it does with one contract  
23 on those two, on CP-2 and 3.

24 Secondly, I received -- I sound like a broken  
25 record again, okay, because the last time I spoke to

1     you, I mentioned the same thing and that's regarding the  
2     outreach to small businesses. I received several calls  
3     regarding the outreach for CP-2 and 3. Apparently, the  
4     venue is really not conducive for interaction between  
5     the subs and the primes. Now, this is the only time  
6     that subs get a chance to meet the primes before, you  
7     know, they decide if they're going to bid or not bid or  
8     anything. The venue had a theater type seating, and if  
9     you wanted to meet anybody, you'd have to go into the  
10    rows and look at their badges because nobody was  
11    introduced. Okay. So it's the same thing that I have  
12    recommended before. I think you really should have a  
13    little bit more consideration for the small businesses  
14    because in that type of venue, it just does not happen,  
15    and to this day, we don't even know, except for Parsons,  
16    that there was one, you know, contractor there. So just  
17    recommendations for future outreach.

18           And lastly, the name tags, they were told -- our  
19    members were told, "Well, they're in the name tags."  
20    Well, not everyone is required to have a name tag and  
21    not -- if they all have the same type of name tag, you  
22    can't tell who is a prime and who's a sub and so on. So  
23    anyway, just recommendations outreach.

24           CHAIRMAN RICHARD: I appreciate this. Thank  
25    you. Thank you very much.

1 Paul Guerrero followed by LeeAnn Eager then  
2 Robert Allen.

3 MR. GUERRERO: I'm going to sound like a  
4 record, but that is what I was going to talk about, too,  
5 is the fiasco that was held at the Secretary of State's  
6 Office. The doors -- we were supposed to have an hour  
7 of networking and an hour presentation and the area was  
8 similar to this except that it had about ten feet in the  
9 back and ten feet in the front. Now, you guys, with  
10 them, you know how to hold a meeting like this because  
11 you open your doors about 9:30 or so, put your stuff out  
12 there, and we come in and register, and we get in here,  
13 and you start at 10:00 o'clock. Okay. That didn't  
14 happen here. When I got there, I got there at 9:30,  
15 which I thought was early, and the whole rotunda of the  
16 Secretary of Stat's Office had a line, four wide,  
17 running throughout the rotunda, and the doors were shut.  
18 And finally, I don't know if the guard went down and  
19 told someone or what, but about five minutes early, the  
20 doors were finally opened, and we got in. But then as  
21 we got in, we had to sign in. So you got about a  
22 hundred and fifty people outside in a line, signing in  
23 when you're supposed to be networking. And then after  
24 they signed in, they got their badges and went and sat  
25 down. I asked where the contractors' tables were at,

1   because I was under the impression that we were going to  
2   have an opportunity to sit and interact with the  
3   contractors, and they would have booth or something.  
4   But I was told the contractors' table was in the middle.  
5   So I went over there, and there was a table there, but  
6   that was where they got their badges and left. And they  
7   had one table for subs and one table for primes to get  
8   their badges, and if you wanted to find a prime, you had  
9   to wander through there and go up and down the aisles  
10   like Diana said or just hunt whose badges, you know, and  
11   find the primes. And that's crazy, because you're  
12   wasting your money if you're going to put that kind of  
13   stuff on. It's really a waste of money. What has  
14   always proven to be effective, and it's been done for a  
15   long time, General Services does it, Caltrans does it,  
16   other agencies do it, is they give the primes a booth.  
17   If you have four primes, you have four booths. And the  
18   subs come in and they all go over and they know where  
19   the primes are. And there's three or four people in  
20   each booth, and you have been to these kind of things  
21   before. There's three or four people at each table, and  
22   they shake hands and they get the names on the cards and  
23   the subs, and they mingle and so forth, and everybody  
24   walks away saying, "Wow. This was a big success because  
25   we met four primes and we talked to them and we gave

1    them our card, and they're going to call us." I found  
2    one, and he said, "Well, we're not doing." I said,  
3    "Well, here. We have a website. Here's our website."  
4    And so with that, I'll just say look into it. And I  
5    know that you have, on your payroll, people that can put  
6    these on, because they have done it before. Some of  
7    them have been in business before that are on your  
8    payroll. So don't reinvent the wheel. Get the people  
9    you got that know how to do it. That's all.

10           CHAIRMAN RICHARD: We will.

11           MR. GUERRERO: Yeah. Let's get a bang for  
12    your dollar. If you're going to spend money, spend it  
13    wisely. That's all.

14           CHAIRMAN RICHARD: Okay. Thank you, Mr.  
15    Guerrero.

16           LeeAnn Eager and then Robert Allen.

17           MS. EAGER: Good morning, Chairman Richard.  
18    LeeAnn Eager, president and CEO of Economic Development  
19    Corporation in Fresno, and I just got back from Chicago  
20    at midnight last night, and I was there talking about  
21    the wonders of the Central Valley. We went to a trade  
22    show. We also met with about fifteen or twenty site  
23    selectors talking to them about bringing new business to  
24    Fresno and to the Central Valley. Well, these are the  
25    same people we met with about two years and ago, and so



1 they wanted to know, well, what's new. If we're going  
2 to look at having our businesses expand into Fresno or  
3 the Valley, "tell me what's new that's going on there  
4 that's going to talk me into now coming to the Central  
5 Valley." Well, it was very referring in Chicago,  
6 because they think they're going to be the first  
7 high-speed rail in the United States out of Chicago.  
8 And so when I talked to them about what we're doing here  
9 and about what was already happening and about the  
10 companies that are already moving here, it was so  
11 refreshing to have this conversation with them, and I  
12 think we worked each other into a frenzy about what we  
13 can do in building companies here in the Central Valley  
14 and along high-speed rail alignment. They were talking  
15 to me about businesses that are actually already moving  
16 to Chicago because of the future of high-speed rail  
17 there in Chicago years and years from now. So when I  
18 talked to them about, "Let's look at those businesses  
19 and what can they do in the Central Valley of California  
20 now, today," whether or not they're steel manufacturers  
21 or whether they're going to be suppliers to high-speed  
22 rail, things were finally interesting. When I said,  
23 "Here's what's new; two years ago when I came to talk to  
24 you, we were starting. We were looking at this, but now  
25 it's actually done. Now we are really starting this

1 project, and we are building this system out of the  
2 Central Valley of California. Now is the time to bring  
3 those companies there, and we're looking at \$3 billion  
4 coming into the Central Valley Economic Development.  
5 That is huge. And really it was so exciting to talk to  
6 folks in the same vain in Chicago because they're  
7 getting excited about what's going to happen to them  
8 soon. And of course, probably everybody knows here, I'm  
9 really excited about what's happening in the Central  
10 Valley with this project, and so we did come away with  
11 quite a few businesses that were interested in coming to  
12 Fresno and coming to the Central Valley because of the  
13 project that we're going to be working on in the future.  
14 So thank you all. It made my job a lot easier this time  
15 a few years later to talk to them about what's new in  
16 the Valley.

17 And just on a quick personal note, since the last  
18 time I was here a couple of months, I know I got a  
19 little emotional. I apologize. But my daughter, who  
20 lives in San Diego, I have two grandchildren. She saw  
21 that speech. I guess it was out on the internet. Since  
22 that time, she has moved to Fresno in the last month,  
23 and when I was down in San Diego and was helping them  
24 move, my eight-year-old granddaughter, I was at a  
25 friend's house with her and she was saying goodbye to

1 her friend, and it was very emotional. And she turned  
2 to her little friend and she said, you know, "I'm going  
3 to be going to Fresno," and her friend said, "Well, how  
4 am I ever going to see you?" She turned to me and said,  
5 "Well, this is my nana, and she's working on this  
6 high-speed rail thing, so I can come see you in one  
7 hour." Thank you.

8 CHAIRMAN RICHARD: Thank you. Holly King  
9 followed by Robert Allen, and our last speaker is Liz  
10 O'Donoghue.

11 MS. KING: Hi. I'm Holly King, and I  
12 represent the Wasco Shafter ag group. I'd like to  
13 express our support of the BNSF alignment in the Wasco  
14 Shafter area, and I'm going to follow on Eric Miller's  
15 comment, who spoke a few minutes ago.

16 Regarding wetlands, as many of you know, we hire  
17 live oak associates to look at the wetland issues in the  
18 Wasco Shafter area. Their conclusion matches your  
19 staff's conclusion, which is while numbers indicate a  
20 greater acreage of aquatic features on the BNSF  
21 alignment, the features along both alignments are  
22 limited to engineered, agricultural, municipal  
23 industrial basins, canals, ditches, and artificial  
24 depression. Natural drainages and associated wetlands  
25 are entirely absent from either alignment. The

1 conclusion there is no appreciable difference in the  
2 effects that selection of either alignment would have on  
3 aquatic ecosystems in the Wasco Shafter area because  
4 they provide little or no ecosystem functions or human  
5 value. Live oaks opinion is attached to a letter of  
6 support that I brought today so you would all have it.

7 A snapshot of the numbers reflecting the current  
8 state of environmental factors does not reflect the  
9 future situation. The choice of the BNSF alignment will  
10 actually leave our community in better shape as a result  
11 of the project, and here's example of why; there's a  
12 housing complex on the east side of the tracks in Wasco.  
13 And it's environmental justice community is the  
14 technical term. The people living there are currently  
15 segregated from their community. Consequently, the City  
16 of Wasco is in the process of relocating that complex,  
17 and thereby, integrating the people that live there into  
18 the community. By this occurring, the numbers in the  
19 future will show that there are less impacts on the  
20 noise and the elimination of environmental justice  
21 issue. Another example would be that in the future, if  
22 the BNSF alignment will eliminate creation of a new  
23 constraint if placed out in a rural area if the bypass  
24 alignment were chosen, and that bypass, if placed out in  
25 a rural area, would certainly enhance the ability for

1     urban sprawl to take place.

2             Another future look would be to look at the  
3     bifurcation of north Shafter oil field. We farm there.  
4     We're dealing with the oil situation as well, so we know  
5     it well, and then there's a logistics part in Shafter.  
6     And disruption of those two items alone would only have  
7     a potential cost, increase in cost.

8             The Williams act acreage impacted -- I'm going to  
9     turn to that and encourage you to look at the future on  
10    that. There's 70 acres in those numbers in the  
11    Kimberlina curve, is the common term for it, that if  
12    you -- if you jump forward in time to after the project  
13    is built, would see that, that 70 acres would still be  
14    farmed. It will not be taken out of production and  
15    taking that 70 acres out of the numbers points to the  
16    BNSF alignment as the preferred choice.

17            I want to thank you for the work that you have  
18    done over the last four or five years working with our  
19    group to try and find the best solution for our  
20    community, and we're very pleased with the choice of the  
21    BNSF alignment, at least moving it forward in the road  
22    process. Thank you.

23                   CHAIRMAN RICHARD: Thank you, Ms. King.

24                   Bob Allen and then Liz O'Donoghue.

25                   MR. ALLEN: I speak of high-speed rail to

1 the five large counties in San Francisco Bay that is  
2 Santa Clara, Alameda, Contra Costa, San Francisco, and  
3 San Mateo Counties and their six million residents. My  
4 daughter suggested I try to put it into a four verse  
5 song.

6 I was working on the railroad. Retired thirty  
7 years. High-speed rail can be successful despite the  
8 many jeers. Blended rail is not the answer. Perils  
9 rule it out. Choose instead to go by Mulford along the  
10 Amtrak route.

11 California's safe, reliable high-speed passenger  
12 train on Caltrain tracks blended rail would be neither  
13 safe nor reliable. Caltrain tracks have many track side  
14 passenger platforms and 43 grade crossings. High-speed  
15 rail really needs a secure grade separated train works.

16 Far safer, better, less costly, upgrade the  
17 Amtrak Mulford route to a new intermodal San Francisco  
18 Bay Rail Hub at Interstates 880 and 7th Street in  
19 Oakland, where Bart crosses over the railroad. Capitol  
20 Corridor would be safer and faster on this route, too.  
21 Provide closely timed cross platform transits to  
22 Caltrain in San Jose and to Capital Corridor at the rail  
23 hub connecting BART with other rail, and the rail hub  
24 would massively cut greenhouse gas emissions by offering  
25 a viable alternative to driving to Sacramento.

1 CHAIRMAN RICHARD: Thank you very much,  
2 Mr. Allen. I do want to say that, that was wonderful,  
3 but I don't necessarily want to encourage that here.

4 Ms. O'Donoghue.

5 MS. O'DONOGHUE: So I shouldn't sing?

6 CHAIRMAN RICHARD: Well, Bob had a pretty  
7 good voice so --

8 MS. O'DONOGHUE: Well, good morning. My  
9 name is Liz O'Donoghue, and I'm director of the  
10 infrastructure -- today you're being asked to authorize  
11 staff to move ahead to conserve a portion of the Lazy K  
12 Ranch to help mitigate the Merced Fresno segment of the  
13 project. This project will help protect important and  
14 rare biological resources in the area, which has long  
15 been identified as a conservation priority. And I'm  
16 here to encourage you to take this opportunity to set a  
17 new direction for mitigation going forward that will  
18 break from the status quo and adopt a better more  
19 effective approach than the typical project-by-project  
20 mitigation approach, which is risky, costly, and often  
21 ineffective.

22 A better process called "regional advance  
23 mitigation" of land derives on science, collaboration,  
24 and landscape scale conservation and mitigation planning  
25 to mitigate in advance of the project's implementation.

1 Both research and practical experience shows that this  
2 is a more effective and efficient way to approach  
3 mitigation that reduces project delivery time, and it is  
4 more cost effective for an infrastructure agency, but  
5 importantly, it results in better conservation.  
6 California's rich and diverse natural habitat are under  
7 stress and are eroding. Our natural habitats provide us  
8 clean water to drink, clean air to breathe, rich soil to  
9 grow food and to sequester time, and beautiful rivers,  
10 mountains, and valley offer us opportunities to  
11 de-stress and recharge. Once these resources are  
12 impacted, they are lost forever.

13 As you know, the Authority is required under  
14 NEPA, and we believe under CEQA, to adhere to the  
15 mitigation hierarchy to first avoid impact, then  
16 minimize impacts, and then, if there are unavoidable  
17 impacts, then to acquire or restore resources to the  
18 project. With a project this size, we will be spending  
19 millions, if not more, on mitigating the impact of the  
20 project on biological resources for the project. It's  
21 critically important for those mitigation investments to  
22 protect the valuable, rare, and disappearing habitats to  
23 be sound and successful and are not wasted.

24 So with that, I would like to offer a few guiding  
25 principles that the Authority should consider in moving



1 forward. First, base investment decisions on landscape  
2 scale conservation planning that identifies regional  
3 conservation priorities and then drive those mitigation  
4 investments to enhance those priorities. Two, focus on  
5 larger investments that ensure that ecological processes  
6 are protected and deliver more ecological outcomes, such  
7 as, habitat conductivities and climate resilience.

8 Third, ensure that mitigation investments are enduring.

9 Fourth, provide transparency accountability to the  
10 process and investments. Five, to the extent feasible,  
11 partner with other infrastructure agencies, such as  
12 Caltrans and local transportation agencies to bundle  
13 mitigation needs and investment in larger mitigation  
14 areas. Six, mitigation needs to be paid for by the  
15 project not other external resources or funds. And then  
16 lastly and importantly, start the process now to reap  
17 the benefits mitigated in advance of potential impacts.

18 I just have, maybe, one more minute.

19 This is not a new concept. It is in place for  
20 transportation programs in Orange and San Diego  
21 Counties. Caltrans has been moving this way for years,  
22 and your CEO was one of those, when he was at Caltrans,  
23 he really pushed this change. The Federal Highway  
24 Administration has been developing this approach called  
25 ecological for the integrated ecological framework for

1 the last five years. The regulatory agencies support  
2 this approach. It's just more difficult to do today  
3 because our current systems and practices and funding  
4 frameworks are based on the project-by-project approach,  
5 and it's hard to change.

6 I'll close on reporting an announcement last week  
7 from our US Department Secretary -- Sally Jewell, US  
8 Department of Interior, Sally Jewell, who issued an  
9 order outlining a new mitigation. She said the strategy  
10 will be based on points, and there's just five. So I'll  
11 just read them quickly and they're consistent with what  
12 I mentioned earlier. One, the use of a landscape scale  
13 approach to identify and facilitate investments and key  
14 conservation. Two, the early integration of mitigation  
15 considerations and planning design, ensuring the  
16 durability of mitigation measures over time. Ensuring  
17 transparency of the agency, and focus on mitigation  
18 efforts that improve the resilience of our nation's  
19 resources in the face of climate change.

20 So with that, I just want to offer our assistance  
21 with the nature conservation agency to really help you  
22 devise this new path, and we think that if the  
23 High-Speed Rail Authority embarks on this, it will be a  
24 model and will help other agencies throughout the state  
25 and country to adopt this approach. Thank you.

1                   CHAIRMAN RICHARD: Thank you very much, and  
2                   appreciate those constructive comments and follow up  
3                   with our CEO on that.

4                   Okay. With that, our public participation  
5                   portion of the meeting has been closed.

6                   We'll now move onto the agenda starting with --  
7                   oh, okay. Could you reopen the roll to call the  
8                   absentee.

9                   MS. NEIBEL: Mr. Rossi.

10                  MR. ROSSI: Here.

11                  CHAIRMAN RICHARD: Okay. So first up, as we  
12                  all know, is the approval of the Board minutes from the  
13                  last meeting.

14                  MR. RICHARDS: So moved, Mr. Chairman.

15                  MR. ROSSI: Second.

16                  CHAIRMAN RICHARD: Okay. It was moved by  
17                  Vice-Chair Richards and seconded by Director Rossi.

18                  Please call the roll.

19                  MS. NEIBEL: Vice-Chair Richards.

20                  MR. RICHARDS: Yes.

21                  MS. NEIBEL: Mr. Umberg.

22                  MR. UMBERG: Aye.

23                  MS. NEIBEL: Mr. Rossi.

24                  MR. ROSSI: Aye.

25                  MS. NEIBEL: Ms. Schenk.

1 MS. SCHENK: Yes.

2 MS. NEIBEL: Ms. Perez-Estolano.

3 MS. PEREZ-ESTOLANO: Yes.

4 MS. NEIBEL: Mr. Henning.

5 MR. HENNING: Aye.

6 MS. NEIBEL: Mr. Frank.

7 MR. FRANK: Abstain.

8 MS. NEIBEL: Chairman Richards.

9 CHAIRMAN RICHARD: Yes.

10 Okay. We'll next move to Item 2 of the agenda,  
11 which is consideration of the staff recommendation for  
12 the recommended preferred alignment for the Fresno to  
13 Bakersfield project section.

14 Mr. Morales, did you want to introduce this, or  
15 did you just want to go forward?

16 Okay. As Ms. Gomez is coming forward, we all  
17 want to congratulate her on her award by the Hispanic  
18 Engineers. Well recognized.

19 MS. GOMEZ: Thank you, and I do want to  
20 thank everybody. So messages and emails, thank you.

21 Well, good morning, Chairman and members. So  
22 I'll be presenting the staff recommended preferred  
23 alternative between -- with our -- for our next existing  
24 document, Fresno to Bakersfield. And so the purpose  
25 of -- the purpose of the presentation is to provide the

1 staff recommended preferred alternatives to be able to  
2 obtain today board direction on the preferred  
3 alternative and preparation of the Fresno to Bakersfield  
4 section of the final environmental documents. Also with  
5 me is Mark McLaughlin, our director -- deputy director  
6 of environmental. In case you have any technical  
7 questions, he'll be also assisting.

8 The document, itself, is broken down into  
9 essentially three segments, the BNSF alternative as you  
10 come out of the City of Fresno, the Hanford alternative,  
11 the Corcoran alternative, the Allensworth alternative,  
12 the Wasco Shafter alternative, and the Bakersfield  
13 alternative, and I'll discuss those in details as we  
14 move forward.

15 To date, we have received over 7,872 comments.  
16 There has been over a thousand letter submissions, which  
17 resulted in over three thousand comments. During the  
18 revised draft EIR supplemental, we received an  
19 additional 781 letters and submissions, which resulted  
20 in over four thousand comments. The main issues of  
21 concern have been community impacts, agricultural  
22 impacts, private property impacts, the funding of  
23 availability, the accuracy of the ridership projections,  
24 and the preferences to parallel State Route 99 and  
25 Interstate 5.

1           These are the various key stakeholders meetings  
2   that we have had since the publication of the draft  
3   environmental document. I won't go into detail, but as  
4   you can see, there's quite a bit of meetings that were  
5   held, public meetings that were held, to obtain public  
6   comments.

7           The staff recommended the preferred alternative,  
8   and I will go into detail in the section, when you leave  
9   Fresno, there is only one alternative, the BNSF  
10   alternative from the Fresno station approximately to  
11   East Camp Avenue. The next section, which is at Hanford  
12   alternative, and like I mentioned, we had -- we have the  
13   Hanford east alignment, the Hanford west alignment, and  
14   the preferred alignment that the staff is recommending  
15   is the a Hanford east alignment. It's the least impacts  
16   to the resources and to natural wetland habitants. It's  
17   more compatible with the City of Hanford and the  
18   development plans. Fewer construct-ability issues. It  
19   is closer to State Route 99. Closer to the City of  
20   Visalia, and you heard earlier about Visalia's  
21   population, and it does not displace the Amtrak station.  
22   This is a change from the April board meeting.

23           The next one is the Corcoran alternative. The  
24   preferred alternative there is the Corcoran bypass. It  
25   has -- the impacts are fewest. The total acres of

1 wetland, no indirect impacts to verticals, and it does  
2 not displace the Corcoran Amtrak station.

3 The Allensworth alternative, we are recommending  
4 the Allensworth bypass. Again, it's the least impacts  
5 to wetlands and natural wetland habitants. No impacts  
6 to the Allensworth State Historic Park or Allensworth  
7 Ecological Reserve, least impact to farmlands, no  
8 residential displacements.

9 The Wasco Shafter alternative, we are proposing  
10 the BNSF alternative. It balances the regional interest  
11 and -- with local concerns. It is consistent with the  
12 Shafter -- the City of Shafter plan for its inland. It  
13 avoid active and developing oil and gas fields, and it  
14 more closely follows an existing transportation  
15 corridor.

16 In Bakersfield, we had three possible alignments.  
17 The alignment we are recommending is the Bakersfield  
18 hybrid. It's least impact through jurisdictional water,  
19 no impacts to Bakersfield High School and Bethel  
20 Christian School, and it's the least impacts to  
21 religious facilities, and the fewest housing  
22 displacements.

23 In terms of the recommended preferred  
24 alternatives, the cost for the entire length from Fresno  
25 Station to Bakersfield Station in millions, the

1 preferred alternative is 7.2, the BNSF is 7.6. The  
2 travel times for the preferred alternative would be 34  
3 minutes and the BNSF is 33 minutes and 4 seconds.

4 MR. ROSSI: Can I ask a question, Mr. Chair?

5 CHAIRMAN RICHARD: Mr. Rossi.

6 MR. ROSSI: I would just like to know what  
7 the range refers to, because that's one question I had  
8 in reading through this. What's the 6.8?

9 MS. GOMEZ: The range, in terms of the  
10 difference or the range that --

11 MR. ROSSI: Well, you said the preferred  
12 alternative is 7.2. I may have read it incorrectly.  
13 So -- and then you said the BNSF is 7.6, but then you  
14 said the range is 6.8 and 7.6. So what is the 6.8?

15 MR. MORALES: That was the low end of all of  
16 the different possible combinations of alignments along  
17 the entire route.

18 MR. ROSSI: Okay. So if we take all of the  
19 lowest cost --

20 CHAIRMAN RICHARD: It would be 6.8.

21 MR. MORALES: Correct.

22 MR. ROSSI: And what's in our budget?

23 MR. MORALES: Oh, this is within that number  
24 goes beyond what we are intending to construct, so  
25 that's why you see a difference of a higher number than



1     what we have.

2                   MR. ROSSI:   Thank you.

3                   MS. PEREZ-ESTOLANO:   Then a related  
4     question, then the time segment on the range is what we  
5     need to achieve in order to meet our requirements.

6                   MR. MORALES:   Correct.   All of the  
7     alignments -- every alignment that we look at throughout  
8     the entire system, we look at the time and add them all  
9     up to ensure they're the same.   It's the design part of  
10    the information, so that's why that information is  
11    provided.

12                  CHAIRMAN RICHARD:   Okay.   Ms. Gomez.

13                  MS. GOMEZ:   So the next step for Fresno  
14    Bakersfield is, with the Board's concurrence today, we  
15    will direct the team to complete the preparation of the  
16    final environmental documents.   This includes our  
17    checkpoint C application that will go to US Army Corps  
18    and the US EPA, which is generally about the wetlands  
19    permitting.   That effort involves detailed reporting,  
20    close work with the US Corps and the EPA, and then  
21    refining and finalizing the wetland impacts acreage  
22    number that were in your board package.   We do not  
23    expect any of that effort to change the preferred  
24    alternative that the staff recommends today.

25                  In spring of 2014, we would then come back to the

1 Board for FRA -- for board approval for the decisions  
2 for the document. Other anticipated action, we would be  
3 starting work between Santa Clara Street and East  
4 American Avenue in the summer of next year. The  
5 contract proposals for CP-2/3 would also continue in  
6 summer of 2014. We would then have the Board approval  
7 of our CP2/3 contractor in the fall of 2014. These are  
8 the next anticipating actions.

9 CHAIRMAN RICHARD: And just to be clear so  
10 that the people who are following this and have an  
11 interest in it, I think they understand this, but just  
12 to reemphasize this point, when we say on this second  
13 item, Authority, Board, and FRA project approval  
14 decision in the spring of the 2014, that would be the  
15 time when the -- our Federal counterparts and we would  
16 have to certify the environmental documents in order to  
17 be able to move forward with the project. So that's  
18 really the culmination of all of the environmental work  
19 is at that point; is that correct?

20 MS. GOMEZ: That is correct. Our next step  
21 is to work with the Corps and EPA and ensure that the  
22 preferred alternative is the best one.

23 CHAIRMAN RICHARD: Okay. And then also, I  
24 know we have said this but again, I want to emphasize  
25 that the -- moving through to the next step, which is to

1 transmit this, if the Board gives us authorization, to  
2 the Corps and the EPA, is it also not correct,  
3 Ms. Gomez, That that, itself, kicks off it's own public  
4 process that they would be taking comment as part of  
5 their determinations under the Clean Water Act, and so  
6 forth?

7 MS. GOMEZ: That's correct.

8 CHAIRMAN RICHARD: Questions from my  
9 colleagues for Ms. Gomez? Or for staff?

10 Any other comments, Mr. Morales, that you would  
11 want to add?

12 MR. MORALES: No. Just to clarify, so  
13 assuming the Board does approve or concur in this, we  
14 would submit to the Corps, and the Corps would then  
15 publish in a Federal register its notice, which would  
16 ensure a public comment period. So that information  
17 will be available through the Army Corps.

18 CHAIRMAN RICHARD: I said at the outset that  
19 today's action by the Board is not a decision on the  
20 alignment. I want to reemphasize that. Now, it is fair  
21 to say that if we agree with the staff's proposed  
22 preferred alternative, it certainly does indicate that a  
23 weight of the analysis is going to be looking at that  
24 alternative but -- I'm looking at our general counsel --  
25 but there's nothing that precludes this board by this

1     action today from taking a different action when we  
2     actually adopt the environmental documents, and in fact,  
3     our Federal counterparts may command us to look at or  
4     consider other things as they do their work.

5                 MR. FELLEENZ:   That's correct, Chairman  
6     Richard.

7                 CHAIRMAN RICHARD:   Okay.   Yes, Mr. Frank.

8                 MR. FRANK:   I just had a couple quick  
9     questions, and I want to preface my first one by the  
10    fact that I'm acknowledging that I'm new to this process  
11    coming in, so this may have been addressed, but two  
12    parts of the right of way that we're looking at, Hanford  
13    and Wasco, one thing I was looking for and I didn't see  
14    in the document was the extent to which selection of  
15    these proposals go out there, induce or reduce urban  
16    sprawl in those areas, of course, is a key part of our  
17    mandate and criteria, and my hope is as we move forward  
18    that we would get a little bit more documentation  
19    analysis on that as we approach our final decision on  
20    the right of way.

21                CHAIRMAN RICHARD:   Okay.   That's fine.   I  
22    don't know if Ms. Gomez or Mr. McLaughlin want to  
23    address Director Frank's question right now.

24                MS. GOMEZ:   In terms of Hanford East, the  
25    station is closest to where they're developing.   So the

1 City of Hanford is developing toward the east, and so we  
2 don't think that we would be creating urban sprawl. In  
3 Wasco Shafter, we would be right in the center of their  
4 town -- of Wasco and Shafter so we would -- that would  
5 not create urban sprawl.

6 MR. FRANK: I do think that's been an  
7 especially important issue with respect to Hanford since  
8 we talked about placing the High Speed Rail Authority's  
9 Station there in the selection of an alternative there I  
10 think is going to be quite a selection I guess.

11 CHAIRMAN RICHARD: Other Questions or  
12 comments?

13 Pleasure of the board?

14 MS. PEREZ-ESTOLANO: I have a question.

15 CHAIRMAN RICHARD: Oh, I'm sorry. Ms.  
16 Perez-Estolano.

17 MS. PEREZ-ESTOLANO: I just want to make a  
18 clarification on some of the information that is  
19 provided in the report, Ms. Gomez. When we talk  
20 about -- when we talk about environmental justice  
21 community, I just want to make sure that that is a  
22 technical term that we're using in terms of addressing  
23 impacts that we would have. Do you have a definition,  
24 maybe it's legal, for what the environmental justice is  
25 because we're having to identify that with the EJ

1 community.

2 MS. GOMEZ: I believe there is an actual  
3 definition on what environmental justice. So we do take  
4 that into account as we're coming into a community. So  
5 for example, in the City of Wasco, we're going to have a  
6 housing authority --

7 MS. PEREZ-ESTOLANO: Corcoran.

8 MS. GOMEZ: -- and Corcoran. And so there  
9 is the technical definition of environmental justice,  
10 and so depending on where we are at, the team looks at  
11 what potential facility would be impacted, how does the  
12 community currently operate, and does it fit within that  
13 category of environmental justice. I don't have the  
14 actual, technical definition unless Mark has -- knows  
15 the exact definition of the technical definition of  
16 environmental justice.

17 MS. PEREZ-ESTOLANO: I would have to assume  
18 it would be socially disadvantaged communities.

19 CHAIRMAN RICHARD: Yeah, my understanding is  
20 that it's migrant labor community.

21 MS. PEREZ-ESTOLANO: Is that right?

22 CHAIRMAN RICHARD: That specific example in  
23 that specific city is a migrant labor community.

24 MS. GOMEZ: In the City of Wasco, there is a  
25 housing authority on one side of the City of Wasco.

1 It's not within the City of Wasco itself, and so that is  
2 one of the issues that we are looking at is how we can  
3 potentially help facilitate the moving of the housing  
4 authority to within the City of Wasco itself. So there  
5 is -- already, the City of Wasco is currently looking at  
6 that, and they have already acquired property to be able  
7 to relocate the housing authority.

8 MR. MORALES: Just to clarify, that's an  
9 existing situation, an existing environmental justice  
10 situation where that housing community for the farm  
11 workers is separated, is literally on the other side of  
12 the tracks of town, separated from the town. And by  
13 choosing this alignment and the mitigation along with it  
14 and by working the City of Wasco and the county, there's  
15 an opportunity to resolve an existing environmental  
16 justice situation.

17 MS. PEREZ-ESTOLANO: I understood it was  
18 that particular case that was almost symbiotic, that the  
19 two of us can actually work together. That makes sense.

20 I have a second question, and it's not related to  
21 the EJ definition. In a number of the station area  
22 planning efforts, we talk about the parking, and we talk  
23 about the demand for parking at each of the stations in  
24 terms of alternative locations. I wanted to ensure that  
25 as we're thinking, similar to my colleague Mr. Frank,

1     that we're building a system for the future and not  
2     building for today's parking demand. I think we  
3     understand that patterns are changing. The way people  
4     get around, how they get around if they choose to get  
5     around is changing, and so as we go through and perhaps  
6     this is something for the transit subcommittee to  
7     discuss, but I hope that what we're doing is we're  
8     evaluating actually some of these parking demands,  
9     because parking at the levels that we're talking about  
10    will significantly and permanently impact the potential  
11    for walkability, for vibrancy, to talk place if we're  
12    talking about multi-thousand unit structures. So I just  
13    wanted to kind of put that out there.

14                 MR. MORALES: Absolutely. The parking  
15    demands are driven by -- in the planning part and the  
16    assumptions are driven by a number of things including  
17    the demand model, which tells us where we expect people  
18    to be coming from and how they would get there, and then  
19    parking size. Part of our improving efforts of  
20    cooperating, working with the local agencies is to make  
21    sure that we're taking into account their plans as far  
22    as transit development in Visalia was mentioned about  
23    some of the growth there, and it's been in the case in  
24    Los Angeles, as you know, the station where initial  
25    plans from the Authority called for far more parking



1     than the City or the region wanted, and we're not going  
2     to do that. So it is -- it's an evolving process and --  
3     with an eye, sort of parking for the future and not for  
4     something else.

5                   MS. PEREZ-ESTOLANO: I appreciate that,  
6     because I want the right size of parking. I don't want  
7     to over park these things, and that's exactly the  
8     experience that I am referring to is the complex for  
9     parking in LA was completely unreasonable for the area,  
10    and as the area was going through a revitalization, that  
11    parking behemoth would not simply be incongruent with  
12    the direction of the City, and so I'm just thinking  
13    forward.

14                  And perhaps, Mr. Frank, we can discuss that at  
15    length in the committee in terms of a strategy that  
16    exists.

17                  MR. MORALES: And I just would follow  
18    quickly, I think that really goes back to 1-A, the  
19    conductivity component, where the intent is to bring  
20    people to the stations via transit, and so as we  
21    implement now that the conductivity components have been  
22    appropriated, we'll be moving forward, that will help us  
23    make better decisions about where the parking needs to  
24    be and how we can get people to and from the stations  
25    efficient.

1 MS. PEREZ-ESTOLANO: I have one last  
2 question.

3 CHAIRMAN RICHARD: Of course.

4 MS. PEREZ-ESTOLANO: In terms of the  
5 direction after we move forward, in terms of the  
6 communication to the Central Valley, which is the  
7 epicenter of our first phase of work, will there be  
8 community meetings and decisions ongoing to inform  
9 people about, you know, what is the next steps, the  
10 timing. I know we have done a lot of work, Ms. Gomez,  
11 but I would just like to understand and at least share  
12 with everybody what are the next steps after today.

13 MS. GOMEZ: We will continue to work with  
14 the property owners that are impacted, continue to work  
15 with the communities. Before last week, we spent a  
16 significant amount of time calling the local elected  
17 officials, the city managers and letting them know what  
18 we will be presenting today. So the work doesn't stop  
19 here. We will continue to work with whoever will like  
20 to work with us. We have several businesses that we are  
21 continuing to work with to see if we can minimize the  
22 impacts. So we will continue to work with other local  
23 communities.

24 MS. PEREZ-ESTOLANO: And ensure we put the  
25 material on the website within proper time, yes?

1                   CHAIRMAN RICHARD:   Okay.   Any other  
2   questions or comments?

3                   MR. RICHARDS:   Yes, Mr. Chair.

4                   CHAIRMAN RICHARD:   Okay.   Vice-Chair  
5   Richards.

6                   MR. RICHARDS:   Thank you.   More of a comment  
7   than a reaction necessarily, but I was so hopeful in  
8   April when we reopened this that we would find an  
9   alignment that would be perhaps more acceptable in the  
10   Hanford area, than a Hanford east alignment for a number  
11   of reasons, and I'm very pleased with the progress that  
12   you've been able to make south of the Hanford areas, but  
13   I recall after having been appointed, the very first  
14   people who ever reached out to me to join them in a tour  
15   was Frank Oliveira and Robert Fekuda, his father.   We  
16   toured a number of sites including the Gasper Dairy and  
17   the rendering plant south of 198, and I thought,  
18   hopefully, that the west Hanford might be less impacted  
19   on a lot of assets in the area.   Having followed the  
20   process to the extent that I could since April and  
21   looking at the staff recommendation as far as not to  
22   accept the fact that it looks like the east Hanford  
23   alternative was the proper choice for you to select as  
24   the preferred alternative, what I was asked -- and I  
25   know I don't need to, but I want to make it stated

1    anyway, I am really, strongly looking for, in the  
2    documents that will come to us next spring, the  
3    mitigation that we're able to come up with to try to  
4    help these various landowners to minimize the impacts on  
5    their properties and to provide the appropriate  
6    mitigation. I can only imagine how devastated Aaron  
7    Fekuda would be with this because of the hopes and  
8    aspiration in his family with the Ponderosa subdivision  
9    where his home is. So that's what I would ask for. I'm  
10   sorry that we cannot find an alternative that's not  
11   acceptable to everyone, but I happen to agree that this  
12   was the appropriate choice and only ask, Jeff, that you  
13   work and continue to direct staff to do everything they  
14   can do to work with the local jurisdictions and those  
15   people that I have mentioned and others that those ones  
16   are the ones who we have had probably much impact or  
17   interaction with. Thank you.

18                    CHAIRMAN RICHARD: Thank you.

19                    MR. MORALES: Certainly, we will focus on  
20   that and continue to work on it at least through two  
21   different things, one through the environmental process  
22   in terms of the impacts and how to mitigate them.  
23   Another step which I want to point out, which I believe  
24   we have spoken about, we have just, with the Board's  
25   approval, we have recently issued the RFQ for the next

1 construction package. One of the things we had asked  
2 for there is specified as a criterion that we will be  
3 looking at in evaluating the teams is their experience  
4 in working in agricultural communities and mitigating  
5 impacts. So we're not only going to look at what can be  
6 done from the environmental process but also bringing  
7 the creativity and the initiative of the private sector  
8 in the design build process to try to ensure that as we  
9 get into construction, ultimately, that we're doing  
10 everything we can to mitigate that way as well.

11 MR. RICHARDS: Thank you very much.

12 And, Mr. Chairman, if there are no other  
13 comments, I would move for approval of selection of this  
14 as the preferred alignment Bakersfield to Fresno.

15 CHAIRMAN RICHARD: All right. Do we have a  
16 second?

17 MR. ROSSI: Second.

18 CHAIRMAN RICHARD: That was Mr. Rossi who  
19 seconded. It's been moved by Vice-Chair Richards and  
20 seconded by Member Rossi.

21 Would the secretary please call the roll.

22 MS. NEIBEL: Vice-Chair Richards.

23 MR. RICHARDS: Yes.

24 MS. NEIBEL: Mr. Umberg.

25 MR. UMBERG: Yes.

1 MS. NEIBEL: Mr. Rossi.

2 MR. ROSSI: Yes.

3 MS. NEIBEL: Ms. Schenk.

4 MS. SCHENK: Yes.

5 MS. NEIBEL: Ms. Perez-Estolano.

6 MS. PEREZ-ESTOLANO: Yes.

7 MS. NEIBEL: Mr. Henning.

8 MR. HENNING: Yes.

9 MS. NEIBEL: Mr. Frank.

10 MR. FRANK: Yes.

11 MS. NEIBEL: Chairman Richard.

12 CHAIRMAN RICHARD: Yes.

13 I want to thank the staff, Ms. Gomez, Mr.  
14 McLaughlin, and others.

15 MS. GOMEZ: I would like to personally thank  
16 the staff. To get us to this point, has been a lot of  
17 work. So thank you.

18 CHAIRMAN RICHARD: Okay. We have two more  
19 items on the public agenda, which I hope we can go  
20 through expeditiously. The first is the delegation of  
21 authority to finalize approval of the Lazy K mitigation  
22 agreement.

23 Mr. McLaughlin.

24 MR. MORALES: Mr. Chairman, introducing this  
25 let me just say quickly, we heard from Ms. O'Donoghue

1 regarding some thoughts about how to do mitigation. I  
2 think this proposal is, in fact, a very good, strong  
3 step in that direction. I think, you know, project  
4 mitigation is something that can be done on a very  
5 piecemeal basis. This approach really has much bigger  
6 bang for your buck, you know, both economically but from  
7 an ecological perspective as well. So we think it's a  
8 very strong step in terms of how mitigation can be done.

9 CHAIRMAN RICHARD: Okay. Thank you.

10 Mr. McLaughlin.

11 MR. MCLAUGHLIN: Thank you, Mr. Chair and  
12 Board members. Mark McLaughlin, director of  
13 environmental services for the Authority. I present  
14 today, again, the Lazy K mitigation proposal.

15 Going backwards a little bit, so we're talking  
16 about the Merced to Fresno project section, which is  
17 about 65 miles long. The Board approval alternative for  
18 the hybrid in May to 2012, our FRA counterparts provided  
19 record decision last -- about a year ago in September of  
20 2011. It was served to the Transportation Board for CV  
21 approval this past June 2013, and we have environmental  
22 clearances to begin to allow the imminent commencement  
23 of construction.

24 So what we're talking about today is our  
25 mitigation package for Construction Package 1, or what

1 we call CP-1, which, again, is Madera to Fresno, 20 and  
2 a half miles east -- excuse me. Avenue 17 Madera to  
3 East American Avenue in Fresno. There's a couple major  
4 crossings on CP-1, Fresno River and the main large  
5 crossing, the San Joaquin River.

6           So on this proposal today, I would echo what  
7 Jeff, Mr. Morales, and Liz said. We have taken a look  
8 at the larger, bigger picture of the project and the  
9 mitigation for not only Merced, Fresno but Fresno,  
10 Bakersfield and Merced in the context of the Central  
11 Valley and pieces in and around that. It's important to  
12 note that in the Central Valley, there's many -- there's  
13 agricultural interests, yet there's lots of open space  
14 and habitat where we think that those two can exist  
15 together and maximize the landscape of planning that we  
16 would like to propose for the project, and for our basis  
17 today, in the Central Valley, San Jose Merced roughly in  
18 that area all the way to Bakersfield, our habitat  
19 needs -- for mitigation is about ten to fifteen thousand  
20 acres of habitat mitigation that includes preservation  
21 and restoration of resources. So that's a substantial  
22 acreage commitment and for our environmental commitment.  
23 So that landscape level planning is very important to  
24 ensure that those mitigation properties are in the right  
25 place to provide the highest ecological value that we



1 can provide.

2           So some of the activities right now for approval,  
3 some of the things that we already as approving  
4 activities and we're also expecting imminent approval of  
5 the permits for CP-1 in the next thirty to forty-five  
6 days. That includes -- we already have section 7  
7 biological opinion from US Fish and Wildlife, section  
8 404 permit, we're going to be issued. Section 401 State  
9 water quality certification has got to be issued.  
10 Section 28-1, which is the California Endangered Species  
11 Act permit and the 1602 from California Department of  
12 Fish and Wildlife for lake and stream alteration.

13           So where Lazy K is, if you look at the landscape  
14 perspective, where it is just east of Chowchilla. It's  
15 along the Chowchilla River. It's about a 15 hundred  
16 acre ranch and we're looking at five hundred -- we're at  
17 approximately five hundred and thirty acres of that  
18 piece of property for mitigation. Here's the site here.  
19 As you can see in this picture, to the west, there, you  
20 have agriculture. And then if you go to the east, you  
21 can see where the ranch is, and the ranch just goes a  
22 little bit north. That stream to the north is the  
23 Chowchilla River. The area that we're looking at is, to  
24 the south, four hundred acres of preservation area and  
25 about 16 acres of pools just south of that, along the

1 Chowchilla River is where we would be preparing our  
2 mitigation, which would happen or begin along that  
3 Chowchilla River area, and the area is also a part of  
4 the ranch. If you go north of Chowchilla there's come  
5 agriculture in that area, and then to the north is more  
6 preservation area that exists on the ranch. Also,  
7 further to the north of that is an existing vernal pool  
8 reserve. So we're maximizing conductivity in and around  
9 that area and also adjacent to that area.

10 So some benefits that we can talk about and add  
11 to on the landscape level plan, we get to preserve and  
12 restore at that landscape level what's the highest  
13 benefit of that region or geographic area, we have  
14 vertical grasslands, high adversity of species, and also  
15 as Liz mentioned, from an environmental perspective, an  
16 advocacy, these environmental groups like this approach  
17 and cause bigger events on a larger scale, and this is  
18 just a small part of that piece. We also have the  
19 opportunity to restore vernal pools in a designated  
20 habitat and recovery area that the agencies have  
21 designated as a habitat and recovery of species.

22 Again, as I had mentioned before, we're adjacent  
23 to a 13 hundred acre reserve habitat to the north of  
24 this project and one very important thing is, as  
25 Mr. Knapp had indicated, he will continue his ranching

1 operations that occur in tradition of his family, that  
2 he can continue to do his ranching activities, have  
3 preservation and restoration on his piece of property.  
4 And so, again, these are the long-term commitments of  
5 the project, and one thing I want to make sure is that I  
6 want to make clear that the Authority is not purchasing  
7 any property. We're purchasing services to provide and  
8 restore vernal pools and put a conservation easement on  
9 the ranch. So that gives them rights there that allows  
10 them to keep that property and keep their ranching  
11 operation.

12 This is a little bit closer look of habitat in  
13 that north reserve area. There's about 26 acres of  
14 vernal pools, and 383 acres of preserved grasslands.  
15 Areas in the blue are vernal pools, seasonal quails,  
16 some of those seasonal wetlands, though, carry a high  
17 level of density and adversity of vernal pools in that  
18 north area. Some of the species in this area and the  
19 one main picture that we have here, that's the  
20 California tiger salamander, Swenson hawk will use this,  
21 San Joaquin kit fox, which is a major species of concern  
22 in the Central Valley. Vernal pool plants, succulents,  
23 owl's clover, and in addition to that, this piece of  
24 property is a critical habitat to the other species  
25 targeted for recovery, San Joaquin Valley orcutt grass,

1 hairy orcutt grass, Colusa grass, and Greene's tuctoria.  
2 And in the vernal pool, invertebrates, of course, vernal  
3 pool fairy shrimp, vernal pool tadpole shrimp in that  
4 critical aspect. Also in the recovery areas, we hope  
5 that we can facilitate that as a recovery concern and  
6 direction.

7 Areas to the south of that preserve area with the  
8 vernal pools will be restored. This is a premiere area  
9 for restoration as there was light grazing, farming on  
10 this piece of property. I don't know how long ago, but  
11 it was not disrupted to allow the soil conditions to put  
12 those vernal pools back in place. This is of the  
13 highest priority of the agencies to do restoration first  
14 and creation second.

15 This is a little bit closer look of about three  
16 acres along the Chowchilla River where we'll provide  
17 enhancement and planning for the red herring mitigation  
18 that will be happening for the US Corps of Engineers,  
19 the California Department of Fish and Wildlife and US  
20 Fish and Wildlife.

21 That ends my presentation on the Lazy K.

22 CHAIRMAN RICHARD: Before I turn to my  
23 colleagues for comments or questions, I just have one,  
24 which is that I know we're required to do mitigation,  
25 but this strikes me as very creative, and it's very

1   pleasing to me to see something happen at this level,  
2   and I'm just curious, how did we find Lazy K Ranch?  
3   It's several miles from our alignment. How did this  
4   come about?

5                   MR. MCCLAUGHLIN: A few -- the first time we  
6   looked at that landscape, we identified probably eight  
7   to ten pieces of property that could fit our needs for  
8   CP-1, and CP-1 has its own specific needs for our time  
9   for construction. So we evaluated almost ten pieces of  
10  property, and a lot of properties were on their way to  
11  being mitigation banks until such time as the economic  
12  downturn stopped a lot of those companies or properties  
13  owners from doing that. There was some regulations from  
14  California Fish and Wildlife. Department of Fish and  
15  Wildlife recently in January allowed things to move  
16  forward, some fees there. So there's some areas back  
17  going through this permitting strategy where we're not  
18  actually buying, we're creating and doing a turnkey  
19  operation to provide our commitment.

20                  So we felt, based on analysis by our team, we  
21  felt this was the best fit for CP-1. Beyond that, we're  
22  looking at even a bigger -- for Fresno Bakersfield,  
23  we're looking at a collective way to do larger planning,  
24  and if we can even actually implement that advance  
25  planning, which we would like to do to allow for the

1 commencement of construction at-will, so to speak, that  
2 we would have that done to allow construction to move.

3 MR. MORALES: Let me just elaborate a little  
4 bit. This is an example of your collaboration with  
5 other agencies also. This is a site that has been  
6 identified by our conservation and others as a priority.

7 CHAIRMAN RICHARD: Don't we have a  
8 Memorandum of Understanding?

9 MR. MORALES: With whom we have an  
10 agreement, right, and so that gets back to some of the  
11 points that were raised about looking at how we can,  
12 through our obligation to mitigate, help achieve project  
13 goals that these other agencies that have identified  
14 this property since then.

15 CHAIRMAN RICHARD: Well, I just want to say  
16 that, you know, this is a big controversial project, and  
17 it's got all kinds of implications for people, and, of  
18 course, today as we heard public commentary, there are a  
19 number of challenges that we have in certain communities  
20 where we simply haven't found the key answers yet. But  
21 if we look at the agreements that we entered into with  
22 the Madera County Farm Bureau and Merced County Farm  
23 Bureau, if you look at things like this, in my mind, it  
24 exemplifies what I certainly want to see, I suspect what  
25 all of us want to see is that we're not just going to

1 mitigate the impact of this largest infrastructure  
2 project in America, not just the state, but that we  
3 really want to set the standard for how these kinds of  
4 public infrastructure projects can contribute beyond  
5 what is minimally required, and so I just want to say  
6 I'm very pleased. Mr. McLaughlin and Mr. Morales, who  
7 have been working with staff on that, this is the kind  
8 of thing that we want to become known for, and that this  
9 could be emblematic of what high-speed rail can do for  
10 the state not just do to the state.

11 MR. MCLAUGHLIN: We'd also like to, as we  
12 move forward, engage other service providers for the  
13 remainder of the project, because it is large and it is  
14 big, and we'll need private industry's help to get us  
15 there. Also, if you look on the map to the north,  
16 there, on that green portion, it's about a hundred and  
17 fifty acres of agriculture on the map's land, and we  
18 talk about encouraging them to apply to our Department  
19 of Conservation Agricultural Easement Program to secure  
20 even more preservation on that ranch.

21 CHAIRMAN RICHARD: Other questions from my  
22 colleagues?

23 Yes, Vice-Chair Richards.

24 MR. RICHARDS: Yes. Thank you,  
25 Mr. Chairman.

1           I just have a quick question, Mark, and you may  
2   not have it with you but I was -- I was just interested  
3   because I also share the Chair's comment that it's very  
4   creative, what's something like this cost? Do you have  
5   it with you or --

6           MR. MCLAUGHLIN: Right now what we're asking  
7   today is delegation of the Authority for CEO, Mr.  
8   Morales to start negotiating for this, and we have been  
9   negotiating on and off to secure the price and right now  
10   we're up to \$10 million.

11          MR. RICHARDS: \$10 million.

12          MR. MCLAUGHLIN: We haven't decided on the  
13   exact acreage, but that's the ceiling that we're at. It  
14   could be lower.

15          MR. MORALES: We try to not negotiate  
16   publically.

17          CHAIRMAN RICHARD: I'm sure that the Knapp  
18   Family is quite sophisticated. So thank you.  
19   Appreciate it.

20          MR. RICHARDS: I'm sorry for the question.

21          MR. MCLAUGHLIN: Thank you.

22          CHAIRMAN RICHARD: Director Schenk.

23          MS. SCHENK: Just a quick question. Now  
24   that this is known, are you getting contacted by  
25   landowners and businesses?



1 MR. MCLAUGHLIN: Yes.

2 MS. SCHENK: So we'll have a backlog of the  
3 folks who are interested?

4 MR. MCLAUGHLIN: We will need the help of  
5 everyone on the project especially as we move into  
6 CP-2/3, much larger, much bigger. Again, we can  
7 question, move forward, and combine mitigations for not  
8 only Merced Fresno and Fresno Bakersfield on other  
9 pieces of property together. We can do that also and  
10 leverage. So yes, we are. We're trying to engage many  
11 people in this. There's a lot of good pieces of  
12 property that are there where people want to continue to  
13 do their agricultural operations, yet set that aside in  
14 perpetuity.

15 CHAIRMAN RICHARD: Director Frank.

16 MR. FRANK: Mr. Chairman, I'd just like to  
17 echo your comments. I think it's very wise and very  
18 appropriate, as Vice-Chair Richards indicated. As we go  
19 forward, there are going to be individual properties and  
20 areas where we're going to have to take a very close and  
21 careful and micro-look at mitigation, but where we can,  
22 this if kind of what I would call macro-mitigation,  
23 which is very valuable. It's easy to administer. It's  
24 easier to make sure it's enforced, and I would hope our  
25 staff and future as we go forward would continue to

1 reach out to the property owners and conservation groups  
2 and to assist the State, regional, and local agencies  
3 like the Department of Fish and Wildlife to assess and  
4 learn about sites up and down the state.

5 CHAIRMAN RICHARD: Okay.

6 MR. MCLAUGHLIN: I'd like to add to that  
7 also in that we have also had conversations with UC  
8 Merced on their mitigation needs and working together  
9 with other agencies, UC Merced and Caltrans.

10 MR. FRANK: I would be the last person to  
11 argue against collaborating with the University of  
12 California.

13 CHAIRMAN RICHARD: Ms. Perez-Estolano.

14 MS. PEREZ-ESTOLANO: I just wanted to say, I  
15 echo what my colleagues have said but also a regional  
16 approach to how we think about resolving these issue is  
17 really how we need to -- it's really where we have the  
18 land and the space to make significant positive outcomes  
19 as a result of the project and so I just have to hand it  
20 to the folks who -- the family that is working with us,  
21 and I appreciate them being here. I said, "hello." I  
22 said, "hello," earlier today. So thank you so much for  
23 coming and demonstrating your willingness to work with  
24 us. I appreciate it.

25 MR. MCLAUGHLIN: We have a strong effort

1 from staff and work very hard to come to you today.

2 CHAIRMAN RICHARD: Pleasure of the Board?

3 MR. ROSSI: So move.

4 MS. SCHENK: Second.

5 CHAIRMAN RICHARD: Okay. It will be moved  
6 by Mr. Rossi and seconded by Ms. Schenk and also by Mr.  
7 Frank, too.

8 Please call the roll.

9 MS. NEIBEL: Vice-Chair Richards.

10 MR. RICHARDS: Yes.

11 MS. NEIBEL: Mr. Umberg.

12 MR. UMBERG: Yes.

13 MS. NEIBEL: Ms. Schenk.

14 MS. SCHENK: Yes.

15 MS. NEIBEL: Ms. Perez-Estolano.

16 MS. PEREZ-ESTOLANO: Yes.

17 MS. NEIBEL: Mr. Henning.

18 MR. HENNING: Yes.

19 MS. NEIBEL: Mr. Frank.

20 MR. FRANK: Yes.

21 MS. NEIBEL: And Chairman Richards.

22 CHAIRMAN RICHARD: Yes.

23 And with that, the Board will now move into  
24 closed session -- okay. So here's the problem, as --  
25 no. The problem is as you can probably tell, I'm at

1     that point where I either have to wear my contacts with  
2     reading glasses or I have to take my glasses off to read  
3     small print. So I just tried to skim over it with my  
4     glasses on, and I missed Mr. Fellenz.

5             So Mr. Fellenz, I'm sure the people from T.Y. Lin  
6     probably didn't want me to run out of room just quite  
7     yet, so Mr. Fellenz.

8             MR. FELLEENZ: Yes, Mr. Chairman and board  
9     members, thank you for letting me make this  
10    presentation. This agenda item is asking for your  
11    approval for award of a regional consultant contract  
12    from Bakersfield to Palmdale for the preliminary  
13    environmental work. As you remember, back in May of  
14    2013, we asked the Board for its permission to  
15    re-advertise this section to perform the environmental  
16    work, preliminary engineering. In that month, you  
17    directed to us to do so. So then in August of 2013, we  
18    had prepared and asked for your approval of an RFQ for  
19    this work, and you again approved that. Since that time  
20    we have had any RFQ, and we received statement of  
21    qualification and we received those, evaluated those,  
22    and then ranked them. And then the final step is that  
23    we negotiated with the top firm, having listed the firms  
24    in order of score, and we came to an agreement on an  
25    amount, and the firm that we have come to an agreement

1 with that was the top ranked was T.Y. Lin International  
2 Company. They have -- they're willing to do the work  
3 for \$46.1 million as a negotiated amount that was a  
4 little less than what we had estimated it to be at in  
5 August, which was 52 million. So that's the good news.

6 So we're asking that you grant permission to  
7 enter into a contract with T.Y. Lin for this work for  
8 the amount of \$46.1 million for a term of five years,  
9 and the work that we will ask them to perform, the scope  
10 is listed under recommendation and includes preparation  
11 of a draft and final alternatives analysis document for  
12 this section as well as related planning and design  
13 documents, to prepare the final purpose and needs  
14 statement for the environmental documents, to support  
15 stakeholder and agency coordination consistent with the  
16 Authority's goals, to support the Authority on an  
17 as-needed basis and station planning sustainability,  
18 private investment opportunities, implementation  
19 regional conductivity plan, and then finally, to have  
20 the contract manager administer this contract based on  
21 the task order that we would give to T.Y. Lin.

22 So if you have any questions, I'm happy to answer  
23 them.

24 CHAIRMAN RICHARD: Questions for Mr. Fellenz  
25 on this contract?

1 MS. PEREZ-ESTOLANO: I have.

2 CHAIRMAN RICHARD: Ms. Perez-Estolano.

3 MS. PEREZ-ESTOLANO: Mr. Fellenz, and you  
4 don't have to answer it here, but I certainly would like  
5 to have this answered. It was brought to my attention  
6 earlier that there may have been some contract timing  
7 issues and I'm not sure the background on that and being  
8 the second -- third newest member, I'm not familiar with  
9 the history but if you could just briefly address some  
10 of those concerns.

11 MR. FELLEENZ: Sure. I think the concern  
12 that was brought up by one of the members of the public  
13 was the possibility of a conflict, and I have, along  
14 with legal staff that have worked directly with the  
15 Authority, and looked into whether there is any conflict  
16 for T.Y. Lin in order for them to work on this, and  
17 there is no conflict. They had a previous role in  
18 project management oversight, and there is no conflict.  
19 I have looked over that.

20 CHAIRMAN RICHARD: Okay. Pleasure of the  
21 Board?

22 MR. ROSSI: I would like to ask a question.

23 CHAIRMAN RICHARD: Okay. Mr. Rossi.

24 MR. ROSSI: You know, I don't like that  
25 answer. Only because you don't have any conflict as to

1    what?  Given what their previous role was, Tom, and what  
2    this role is now, there's a series of potential inherent  
3    conflicts of interest, but I'm more concerned about the  
4    fact that -- moved from one area of work to another area  
5    of work in the same time, which leads me to believe --  
6    not to believe anything but to wonder as to the ability  
7    to be independent in judgments about certain things.

8                   MR. FELLEENZ:  I can elaborate on that.  The  
9    conflicts that we look into fall really into two  
10   categories, where there's a conflict of interest if the  
11   developers of an environmental document then competes  
12   for design build and follows from that environmental  
13   work because they can derive the conclusion of the  
14   environmental document and that would give them an  
15   advantage in the procurement for the design build  
16   contract.  The other area that we look at is whether a  
17   company that works on the procurement document, itself,  
18   because if they do, they would be conflicted out from  
19   entering into or completing for the contract that they  
20   work on the procurement for.  So in this case, the work  
21   that was completed by the project engineer that was our  
22   team or T.Y. Lin was completed sometime ago.  They did  
23   not work on the procurement document before this rebid  
24   and --

25                   MR. ROSSI:  Okay.  Okay.

1           MR. FELLEENZ: And they also did not have  
2 direct in producing the environmental document, and  
3 another test that we look at is whether the information  
4 developed is available to all builders who want to  
5 compete for a particular procurement. So all the  
6 information that is retained by the Authority in terms  
7 of the oversight PM portion had made for this section  
8 when the worked on it was available to all those that  
9 completed. So for those reasons, there's not a  
10 conflict.

11           MR. ROSSI: Thank you very much. That  
12 answers my concern.

13           CHAIRMAN RICHARD: Okay. Pleasure of the  
14 Board?

15           MR. ROSSI: So moved.

16           CHAIRMAN RICHARD: Okay. Moved by  
17 Mr. Rossi.

18           MR. RICHARDS: Second.

19           CHAIRMAN RICHARD: Second By Vice-Chair  
20 Richards and Mr. Henning.

21           Please call the roll.

22           MS. NEIBEL: Vice-Chair Richards.

23           MR. RICHARDS: Yes.

24           MS. NEIBEL: Mr. Umberg.

25           MR. UMBERG: Yes.



1 MS. NEIBEL: Mr. Rossi.

2 MR. ROSSI: Yes.

3 MS. NEIBEL: Ms. Schenk.

4 MS. SCHENK: Yes.

5 MS. NEIBEL: Ms. Perez-Estolano.

6 MS. PEREZ-ESTOLANO: Yes.

7 MS. NEIBEL: Mr. Henning.

8 MR. HENNING: Yes.

9 MS. NEIBEL: Mr. Frank.

10 MR. FRANK: Yes.

11 MS. NEIBEL: Chairman Richard.

12 CHAIRMAN RICHARD: Yes.

13 Okay. I'd like the record to show that I did not  
14 skip over the item for the last board minutes. So --

15 MR. ROSSI: It's an improvement never the  
16 less.

17 CHAIRMAN RICHARD: It's an improvement.

18 With that, the Board will now enter into closed  
19 session to discuss those matters that are on the agenda.

20 Thank you all very much. We'll report back after  
21 the closed session.

22

23 (Whereupon the Board entered into closed session.)

24

25 CHAIRMAN RICHARD: Okay. The High-Speed

1 Rail Authority has returned from closed session, and we  
2 have nothing to report. Thank you. This meeting is  
3 adjourned.

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5 (Whereupon the meeting adjourned at 12:57 p.m.)

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1 I, Brittany Flores, a Certified Shorthand  
2 Reporter of the State of California, duly authorized to  
3 administer oaths, do hereby certify:

4 That the foregoing proceedings were taken before  
5 me at the time and place herein set forth; that any  
6 witnesses in the foregoing proceedings, prior to  
7 testifying, were duly sworn; that a record of the  
8 proceedings was made by me using machine shorthand which  
9 was thereafter transcribed under my direction; that the  
10 foregoing transcript is a true record of the testimony  
11 given.

12 Further, that if the foregoing pertains to the  
13 original transcript of a deposition in a Federal Case,  
14 before completion of the proceedings, review of the  
15 transcript ( ) was ( ) was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee of  
18 any attorney of party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed  
20 my name.

21 Dated:

22 \_\_\_\_\_  
23

24 Brittany Flores CSR 13460  
25